

THE
VNLAWFVLNESSE
OF SUBJECTS,
Taking up Armes against
THEIR
SOVERAIGNE,
in what case soever.

TOGETHER
With an Answer to all Objections scattered in their severall Bookes.

And a prooffe

That notwithstanding such resistance as they plead for, were not damnable, yet the present Warre made upon the KING is so, because those cases, in which only some men have dared to excuse it, are evidently not now; His Majesty fighting onely to preserve Himselfe, and the rights of the Subjects.

WRITTEN

By *DVDLEY DIGGS*, Gentleman : late Fellow of
All-Soules Colledge in Oxford,



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THE



T H E

Unlawfulnesse of Subjects taking up
Armes against their SOVERAIGNE,
in what case soever.

S E C T. I.



H E that will endeavour to make the yoke of government more easie, by setting a people loose from the restraints of positive lawes, upon pretence, they may justly use their native liberty, and resume their originall power, if civill constitutions, which were agreed upon for their good, be not effectuall to that end, but prove disadvantageous to them, shall be sure to meet with many favourable Readers. Because the greater part of mankind, as in other matters, so in this present case, are easily prevailed upon, to make a truce with conscience, and eagerly to prosecute what appears most profitable. And the chiefest cause of our miseries is, that they do not rightly apprehend what is truly advantageous. For States are framed upon a sinister opinion of men, they suppose most (as it doth commonly fall out) will be dishonest, yet if they be not unwise, and suffer themselves to be carried on, as against conscience, so against interest also, a Kingdome can not want plentifull meanes of subsisting, of flourishing. The ground of these unhappy mistakes, (which makes them advance publike ruine, wherein all single men will be lost, while they are vainly encouraged

The cause upon which men are misled to a desire of innovation.

raged by deceiving hopes of being private gainers) can be no other but this. They rule their actions and desires but by one syllogisme, and looke upon the immediate consequence, which is a satisfaction of some particular ends, and serving some present turne, and have not ordinarily so much depth of understanding, as to be able to discern the future evils, which will inevitably spring from the same fountaine. They are not capable of that good counsell of Polybius. *Non tantum prasentia est spectare; sed & futura prospicere, & quis exiit inde futurus sit.* The bait onely is visible to most, and accordingly the reall goods which are promised by innovation (for no government being free from all evill, therefore every proposall of change is easily baited with some good) are entertained with delight, but once unwarily swallowed, they become hookes in the entralls. It happens to most men, that they behold the children (as of their bodies, so) of their opinions; but the grandchildren of their tenents;

————— *Caliginosa nocte premis Deus,*

Nepotes discursus, The further removed consequences (though allyed in a right line) they have not strength of reason to discover.

*Quisque
nascitur
liber.*

*1. False, because all are
subject by
nature to
paternall
power, and
consequently
to the
supreme
Magistrate,
to
whom
divine
law
confirms
the
severall
powers
which
Emperors
resigned
up. 2. If
true, it
concludes
not for
them,
because
our
naturall
liberty
is
restrained
by
consent.*

To instance in two maine principles, by which the seduced multitude hath beene tempted to catch at empty happinesse, and thereby have pulled upon themselves misery and destruction.

The first is a doctrine craftily instill'd into the mindes of the people, upon no other foundation then a mistake, in the meaning of true and profitable liberty, that the law of Nature doth justifie any attempts to shake off those bonds imposed upon them by Superiours, if inconvenient and destructive of native freedom: the fallacie of which is easily discerned by understanding men. It is true, if we looke upon the Priviledges of Nature, (abstracting from paternall dominion) Freedom is the birth-right of mankind, and equally common to every one, as the Aire wee breath in, or the Sun which sheds his beames and lustre, as comfortably upon Beggars, as upon the Kings of the earth. This Freedom was an unlimited power to use our abilities, according as will did prompt. The restraint of which

would

would questionlesse have beene very grievous, but that experience did demonstrate, it was not so delightfull to do what ever they liked, as it was miserable to suffer as much as it pleased others to inflict. For any that was stronger then his neighbour had it in his power to hinder him from injoying the benefits of liberty; nor yet could the most powerfull man among them take any extraordinary comfort in this as yet hostile State, because his minde was distracted with continuall feares, since there was not any so contemptibly weake, but that if he despised his owne life, or desired to enjoy it with more uncontrolled pleasures, hee might make himselfe Master of any other mans, though not by force, yet by subtilty and watching advantages, or at least a few combining might destroy the strongest, and might be tempted so to doe, for their fuller security.

*The evils
which flow
from want
of Govern-
ment:*

This was their unhappy condition amidst feares and jealousies, wherein each single person look't upon the world as his enemy, and doubted (as formerly *Cain*, when hee was excommunicated and cut off from the civill body) lest the hand of every man might be upon him; and to this confusion the disturbers of this State endeavour to reduce us, not that this *anarchia*, want of order, most hatefull to God, can be pleasant to the most wicked man; but as knowing the effect of it, an insupportable and generall calamity will quickly unite multitudes into a people again, and force them to restore some gouvernement; and they may hope in a new compact to gaine a greater share in the rule, then their ambition hath beene able to force from the settled Kingdome.

I will adde the unavoidable occasions of quarrell, extremely opposit to the prime dictate of nature, the preservation of themselves, and to the meanes which conduce thereto, a peaceable injoyment of the comforts of this life. For whilest every one had right to all, no body could with safety make use of any thing; since when some would take to themselves what others delighted in, their desires and right being equall; there was no title but that of greater force, which could determine to whom it ought to belong, and this could not be knowne but by fighting, and this right reason abhorred, as by which men would

either be exposed to famine in the midst of plenty, or else be forced daily to hazard the losse of their lives, out of a naturall desire of conserving them.

*The remedy
of those
evils, civill
unity.*

The sense of these calamities quickning their understandings to finde out, easily prevailed with their wils, to entertaine a remedy of so great evils; which manifestly proceeding from division, the ready cure was to make themselves one, because no body is at variance with it selfe. There being no way to effect this naturally, they reduce themselves into a civill unitie, by placing over them one head, and by making his will the will of them all, to the end there might be no gap left open by schisme to returne to their former confusion. Because the wills of men, though the fountaines of all voluntary actions, yet are not themselves the objects of choice; (for we cannot will to be willing, (this would be infinite) but to performe what is commanded) and so are not capable of being obliged by compacts; therefore this submission of all to the will of one; or this union of them agreed upon, is to be understood in a politique sense, and signifies the giving up of every mans particular power into his disposal, so that he may be enabled to force those who are unwilling upon some private ends, to be obedient for the common good; otherwise they would enjoy the benefits of others faith in observing lawes, and the advantages of their owne violations and breaches, which may probably be prevented, if penalties be appointed much greater then the profit which can come by their disobedience; because, as men are naturally tempted by hopes of good, so they are as naturally deterred by a certaine expectation of greater evils.

Thus also by transferring every particular mans power into the hands of one, is not meant a reall laying downe and naturall translation of their strength, (because their nerves and sinewes are not alienable, as their money and goods) but a consent and mutuall obligation (as of all to one, whether he be King, as in a Monarchy; or some Nobles, for they are one too, as in Aristocracy. so of every one to each other) of not using their naturall power, but onely as Law shall require, that is, of not resisting that body in which the supream power is placed, as likewise

SECT. I. *Setting up Armes against their Souveraigne.*

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wife of aiding him, or them by vertue of that promise, or of that oath, according to the nature of the contract, when he or they summon their strength.

By what is layed downe, may be discovered the weakenesse of their second principle (which hath done most mischief and till it be thoroughly rooted out of mens minds the seed is still left behind, from whence rebellion will spring) the falsehood whereof, I thought fit to manifest in relation to the peace and quiet of Christendome, and the world in generall, it not at all concerning His Majesties case, who was so farre from offering violence, that it was the extraordinary mercy of God upon this land, that did enable him to defend his life against it, his Magazines and forts, and Ships, that is all his civill power being taken from him, and an army actually raised against his personall strength, (for His Majesty had not granted one commission to raise a man, when they began their *defensive* warre) so that *Lucans* expression might seeme fitted to this Kingdomes misery.

Parque novum fortuna videt concurrere bellum.

Atque virum. — — —

The doctrine is; the law of nature will defend us, whomsoever we kill, though the King, in our owne defence, and wee are acquitted by that principall *vim vi*. (nay, some goe higher and make it unlawfull not to resist even the highest authority, it being a sinne against nature, &c. whom the examples of the holy Martyrs and of Christ himselfe doe clearly confute, though they cannot satisfy them.) I will briefly answer it, as meaning to enlarge my selfe thereon in the following discourse.

It ceases to be lawfull, after we have made our selves sociable parts in one body, because we voluntarily and upon agreement restrained our selves from making use of this native right *Native rights restrained by positive obligation.* and the renouncing this power by mutuall compact will appeare very consonant to sound reason, whether we looke upon the benefits insuing thereby, or the mischiefes avoyded. For it is a more probable meanes to the attaining that very end, in relation to which they plead for it, the preservation of particular

*Prudentiall
motives for
parting with
some rights
of nature,
without
power to re-
sume them.*

persons. Upon this condition of obliging our selves not to resist publique authority, in requitall for this submission of our private strength, wee are secured by the united power of all, and the whole Kingdome becomes our guard. And it is most likely wee should be lesse exposed to injuries, when that impartiall and equall measure of right, the known law, is by this meanes maintained. The evils which would flow from this licence to resume our power against contracts, are infinite. Our owne feelings too fully instruct us in the sad effects, and I doubt not but the wearinesse of our present sufferings, and the expectation of growing mischiefes, will bee powerfull beyond rhetoricke to perswade us to value highly the publicke tranquillity. I am confident, if the people of this land (whose eyes have beene opened of late, and they are now sensible, that to continue violences to His Majestie, hath introduced a necessity of oppressing them, and that they are bound to bee undone in order to the injuries to their Sovereigne) were able to deliver themselves from their defenders, wee should suddainly bee restored to happinesse, and it would be as hard a matter to engage them in a civill warre, when they had againe tasted the sweetnesse of plenty and quiet, as it is to perswade them to agree to peace, who challenge a legall povver by the title of warre to dispose of the Kings and Subjects renewes at pleasure.

As reason induced men to enter into such a Covenant, and to lay a mutuall obligation one upon another, not to resist authority upon what ever grounds, whether of fancied, or reall injustice, but to submit their actions and persons to the ordinary triall, though it might possibly happen, that some particulars vould be sentenced unjustly, because a farre more considerable good could not be obtained, unlesse by agreement patiently to submit to this possible evill, since the common peace and quiet, cannot bee effectually provided for, if it shall bee indulged so any, to appeale from the Lawes to themselves, and to judge their Judges: So honesty and religion strictly bind them to preserve their faith intire, and this contract inviolable.

The paines I have taken, to lay open, by way of introduction, to the view and examination of all that desire reall satisfaction, the

SECT. I. *Taking up Armes against their Souveraigne.*

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the fundation upon which rule and Subjection are built, will appeare not so delightfull, as it was necessary. And it is no otherwise in the workes of Art, *operum fastigia spectantur; latent fundamenta*, passers by admire the superstructure, when that strength which supports the most elegant piles, lies deeply buried in the earth, and unregarded. It were very strange, if any man should be so prodigiously weak, as to suffer himselfe to be perswaded to remove his chambers and galleries into a healthier ayre, a pleasanter prospect and more commodious Situation; and yet the same unreasonable advice is hearkned to, concerning the civill frame, without any consideration of the groundworkes. *Populi salus suprema lex*, is the Engine by which the upper roomes are torne from the foundation, and seated upon fancy onely, like Castles in the aire. For the safety of the people is really built upon governement, and this destroyed, the other, *non jam ades, sed cumulus erit*, will be soone swallowed in the common confusion; but this is evidently and demonstrably ruined by these principles. For government is an effect not of a peoples divided naturall powers, but as they are united and made one by civill constitution, so that when we call it supreme power, wee impose an improper name, and have given occasion for mistakes (yet I shall not endeavour to alter the common use of speaking, but only to prevent a misunderstanding of it) because indeed this power is simply one, and when it doth expresse it selfe by one person or more, (according to different formes) who yet are but severall parts of one governour, there is not left the Kingdome or Common-wealth, any civill, that is, any legall power, which can appeare in resistance, because all of them have bound their naturall hands by a politike agreement.

Hence it followes, those that will allow any power to Subjects against their ruler (let it be, one man, or many united by one common forme, which is the consent of the major part, and this is not capable of division) doe thereby dissolve the finewes of government, by which they were compacted into one, and which made a multitude a people, and so breake the Common-wealth into as many pieces, as they have set up opposers against it. For there can not bee two powers, and yet the

Kingdome

The foundation upon which States are build, are siled, overthrowne; if the people be made judges of their safety, and allowed to use any means which they fancy conducing thereto.

Liberty to resist those in whom the Law places jus gladii, the right of the sword, destructive to the very nature of government.

Kingdome remaine one. This is that, which distinguishes *France* and *England* and *Spaine* from one another, because they have three powers legally distinct, and are the same in relation each to other, as three particular men meeting in some wilderness, and considered as not having agreed to any Lawes of Society.

I am fully perswaded, no sober man can imagine the policy of this State is so defective, as to open a necessary way to its owne ruine, that is, to divide the Kingdome legally in it self; and therefore it must necessarily be granted, those that take up arms being not authorized so to do by law, are guilty of rebellion, and the consequences of it, murder and rapine. It is very easy to determine, whom the Law hath armed with power, because not any part of the people, not the two Houses, but the King alone is sworn to protect us, which is an evident argument, he is enabled to effect this end, and that the necessary means to compass it, which is the *posse regni*, is at his disposall.

By these generalls thoroughly digested, and rightly applied, we shall be able to rule particular decisions.

I shall desire one thing especially may be remembred, as which hath great influence upon all cases. Though what is truly the right of any one, doth not cease to be so naturally by anothers sentence to the contrary; yet after positive constitutions, upon a Judges decision, he can challenge no title to it, because by his owne deed, and consent, he passeth it away in that judiciary determination. And equity and prudence both dictate, that it was a most honest and reasonable agreement, as conducing to publique peace, and the quiet of mankind, that persons publicly constituted and more unconcerned in the decisions, should put an end to all debates. Because otherwise the controversie was not likely to be ended, but with one of the parties; For each man out of naturall favour (the strongest corruptive of judgement) inclining to his owne Interest, there was nothing left but force to determine it. There cannot be a more unhappy administration of Justice, then when strength is made the measure of right, and when all Judges are bribed, as passing sentence to their owne advantage.

S E C T. I I.

THe following Section shall be spent in proving the proposition, by wick the consciences of all Subjects must bee directed.

It is unlawfull to resist him, or them in whom the supream authority, (that is, all the legall power of the Kingdome) is placed, and no dispensation (grounded upon what persons soever, as inferiour Magistrates, or upon any cause, as the extreame abuse of this power to their oppression) can excuse such resistance from the sin of rebellion.

Upon this pillar not onely monarchy stands firme, but all other governements are equally supported; the generall reason being applicable, according to the difference in severall formes.

In the third Section, I will bring the case home to our selves by proving this assumption; The King of *England* hath this supream power, and then I shall leave it to every mans conscience to inferre the conclusion, therefore it is unlawfull to make resistance against their Souveraigne.

In the fourth Section, I will answer all the evasions (how plausibly soever founded) which I could meeete with in the severall writings of those men; who, though they strike at the King downe right and more immediately, yet by plaine and evident consequences they destroy all civill society.

By way of conclusion, I will shew, though such a power of resistance, as they or any others have yet openly pleaded for, should be granted lawfull (as when in their owne defence or when he that hath the highest authority, and is bound by the law of God and his owne oath, to administer justice equally, yet after frequent representations of their grievances, and most just Complaints of their great sufferings, affords no redresse) yet this can be no justification of the present warre against the King, nor acquit the Actors in it from being rebels. Because this case is evidently not now, as will appeare after a view taken of the causes of this unnaturall, and illegall division.

The proposition to be proved, is, It is unlawfull to resist him or them in whom the supream authority (that is, all the legall power of the Kingdome in order to raise armes) is placed, and no dispensation (grounded upon what persons soever, as inferior Magistrates, or upon any cause, as the extreame abuse of this power to their oppression) can excuse such resistance from the sin of Rebellion.

Differences
betweene not
obeying a-
gainst law;
and hostile
resistance to
a lawfull
Soveraigne.

Active ob-
edience a-
gainst Gods
law, sin.

Objections to
the contrary.

I make no question every man will apprehend, that by resistance here, is meant only hostile opposition, and not a refusal to put unjust commands (measured by divine or humane laws) in execution; for the truth is, if they are, or seeme repugnant to Gods law, for then they are so really, in respect of those who have that apprehension; *idem est esse & apparere*, in this case of good and bad: because whatsoever is not of faith, is sin) we must conforme our practise to that standing rule, layed downe by the Apostle, *Deo magis, quam hominibus*, We ought to obey God rather then men, we are bound (to use Tertullians phrase) *temperare majestatem Caesaris infra Deum*. The reasons to the contrary for absolute & unlimited obedience have no solidity.

One is upon a false supposall, that at our entrance into civill society we submitted (as our wills, by which is meant not the faculty, but the effects of it, which were in our power, and which are subjected as farre as they were in our power, that is, in all honest performances, for *peccare non est nostri juris*, so) our understanding, and consequently, though in our private opinion, such actions were unlawfull, yet if commanded & said by our rulers to bee just, our publique judgement (which we had given them right to passe upon good or bad) did pronounce them honest.

A second argument is, though we thinke such actions unlawfull upon a particular comparing them, with the measure of right and wrong, divine precept, or prohibition; yet from a more generall reason, we thinke this thought of ours condemning such actions, to be an errour, and so if we doe, what we thinke in our private judgement God hath forbidden, we doe *contra opinionem agere, sed non contra conscientiam*, practise against our opinion, not against our conscience, because that is swayed by
this

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11

this generall reason. If when rulers say such a thing ought to be done, I say, it ought not, the sence of it, is: I am wiser then they. But if I grant them the more able men, I must needs thinke they are likely to make truer judgement, and so am bound to submit to the greater discretion, because in morall differences, which are not capable of demonstration, I must guide my practise by the highest probabilities of good. If sheepe knew how apt they are to goe astray, they would bee content to be guided by the shepherd, and therefore governors, who are *πρόφρονες λαῶν*, are to direct us in the waies of safety. He that shall undertake to be his owne master, will have a foole to his scholler; and he that refuses to follow his guide, and fancies some private turnings, is likely to misse his way, and through many wandrings to come weary to his journeyes end.

A third argument is, to challenge to our selves the judgement of good and evill, is the fruit of that bitter root of *Adams* disobedience; *Erius sicut Deus, scientes bonum & malum*, was the temptation, and the sinne was, he did eate of the forbidden tree of *knowledge of good and evill*. He was not content to be acquainted with good only, submitting to (that which made actions good or bad) the command or prohibition of him, who had dominion over him, but began to examine the justice and reasonablenesse of them, and so would make himselfe like the Law-giver.

The answer hereto is easie by distinguishing those things in which God will require from every one a liberty of judging, and a conformable obedience, from things more obscure, and which will require a deeper search then ordinary understandings can make.

Of the first sort are the plaine and familiar truths laid downe in Scripture of which *S. Paul* binds us to bee so confident, that though an Angel from heaven should preach any other doctrine, we may not admit it. As likewise many morall duties easily discerned even by weake apprehensions. If this were not so, the Apostels rule could not lawfully bee made use of, *We must obey God rather then men*; and the people would be bound to follow their blind leaders into the pit of destruction. For Christ

tels us both shall fall into the ditch. But the Apostle allows them to whom he spake, to examine his doctrines of this nature, by the rule of thier owne understanding. I speake as to them which have understanding, judge yee what I say, and judge in your selves, is it comely, &c. and in the verse following, doth not even nature it selfe teach you? &c. This case is clearly decided in the 14th to the *Rom.* where wee learne, if we condemne our actions though in themselves not blameable, yet to us they are sinne. v. 22, 23. Happy it he that condemneth not himselfe in that thing which he alloweth. Hee that doubteth, is damned if he eate, because he eateth not of faith; wherefore he gave a generall command in the 5. v. let every man be fully perswaded in his owne minde.

Of the latter sort are things more intricate, and which cannot without great difficulty be judged of. Being such for the most part wherein not mens honesty but their prudence is exercised. And here a submission of judgement is very reasonable. As in law cases to be swayed by the professors of it, or if wee build a house to be directed by artists, or in a tempest to take the most probable way of escaping, by relying on the pilots steering the ship and forbidding unexperienced passengers to runne to the helme confusedly and alter the course, according as their ignorance, & feares prompt them, upon a conscientious madnesse, that they shall bee accessory to their owne death, if they put their lives out of their owne hands, though they commit them to sea-men, whose experience hath better enabled them to avoyd the rockes and the shelves: And thus in civill government, wherein the greater part of men can have no deepe insight, to trust the managery of the publike safety, to persons wiser then themselves, and to bind one another to performe all offices in relation this end, according as they shall bee commanded by their governours, and not to rule their law-givers by disputing the unreasonableness of what is in joined. And to this capitivating of their understanding religion obligeth them; for God is not a God of sedition, of mutinye, and confusion, but of unity, order, and of peace.

The case thus resolved produceth an excellent temper, in
mans

mans obedience ; as by which we render to *Caesar* the things which are *Cæsars*, and to God the things which are Gods. Bee subject to every ordinance of man for the Lords sake. This binds universally, those only cases being excepted, which God expressly and evidently reserves to himselfe ; and in them we must take law from the more powerfull. Feare not them which kill the body, but are not able to kill the soule, but rather feare him, which is able to destroy both soule and body in Hell.

This liberty of denying obedience can neither bee offensive nor dangerous to authority.

First, not offensive, because Magistrates can challenge no more right over our actions, then God gives them, or we our selves had, before wee submitted them to their commands ; which was none in this supposed case, because a dishonest deed *non est nostri juris* is not in our power. We can no more passe away by promise Gods right to our obedience, then vvee can covenant to transerre and give avvay another mans goods or demeaſnes.

No inconvenience from this doctrine rightly stated; God to be obeyed rather then men.

Secondly, it is harmelesse in the consequences, because if any out of a reall or seeming repugnance to divine precept, deny active obedience, they must confesse themselves obliged by the same conscience of observing the lawv of God, not to resist that authority, vvhich he hath armed *jure gladij*, vvith the right of using the sword, probably to this end that Religion might not be a cloke for Rebellion, & that we might not dare out of the feare of God to violate the order of divine providence ; by which he hath thought fit to governe the world. This is the patience of the Saints, which shall be rewarded with heaven, because they suffer, rather then doe evill for earthly considerations, as being assured, God hath forbidden them, though for prevention of their particular and undeserved misery, to disturbe the publike happinesse, by resisting that power, which Scripture tells them is from above. It oft times pleases God to make use of ill governours, and their unrighteous judgement may be his just sentence for our former transgressions ; if it be his will to scourge us by them, no smart should tempt us to cut his rodde in peeces.

Because generally men are hardly brought to entertaine a truth, which seemes disadvantageous to them, and comes in ill company, attended with affliction, *Quis enim facile credit, propter quod dolendum est?* (though this should not be amongst Christians who are *crucis candidati*, & *quibus frui fas est Diis iratis*, and who ought to rejoyce in their present sufferings, as the exercise of vertu, and that way to eternall glory, which our Saviour hath chalked out both by example and precept?) I will use the greater diligence in evidencing this point by all kinde of proofes, of which the matter is capable.

Difference
betwene
Law of Na-
ture and
Right of
Nature.

If we looke backe to the law of Nature, wee shall finde that the people would have had a clearer and more distinct notion of it, if common use of calling it *Law* had not helped to confound their understanding, when it ought to have beene named the *Right* of nature; for *Right* and *Law* differ as much as *Liberty* and *Bonds*: *Jus*, or right not laying any obligation, but signifying, we may equally choose to doe or not to doe without fault, whereas *Lex* or law determines us either to a particular performance by way of command, or a particular abstinence by way of prohibition; and therefore *jus nature*, all the right of nature, which now we can innocently make use of, is that freedome, not which any law gives us, but which no law takes away, and lawes are the severall restraints and limitations of native liberty. Upon this ground I have shewed already the right of nature cannot be pleaded against positive constitution, that being a permission onely, and not an injunction, and therefore ceasing by a subsequent obligation arising from promise and compact, when multitudes became one Civill body.

Their crowne
Schemme of
Government
serves our
turne, and
justifies the
Kings cause.

I was unwilling to weary the Reader by an unprofitable debate, and different stating of the originall of power. For though it be most true, that paternall authority was regall, and therefore this of Gods immediate constitution, and founded in nature, yet is not much pertinent to the present decision, nor can it necessarily concerne moderne controversies betwene Rulers and People. Because it is most evident, no King at this day (and much lesse other Governours) holds his Crowne by that title, since severall paternall powers in every State are given up, and united

united in one common father, who cannot pretend a more immediate kindred to Adam, then all the rest of mankind. For this consideration, I thought fit to lay downe their owne Scheame of Government, and let them make what advantages they can, by presenting to your apprehension a multitude before a people like a heape of stones, before they are cemented and knit together into one building. I shall onely desire my adversaries would not betray so much want of ingenuity, as to make this favour of joyning issue upon their owne principles, a contradiction. For I thought it losse of time to insist upon their mistakes in the manner of derivation of power, when all of us agree well enough in the thing. That, after the multiplying of mankind, there was an Anarchy is confest, onely they impute it to a want of all Law and Rulers, and we derive it more naturally from the multitude of Governours, whose wills being various, were so many distinct Lawes to those who were under them, when in every family was a Kingdom.

(Θεμισδὲ καὶ γὰρ ἑκαστὸν
Παίδων, ἡδ' ἀλόχων.

as *Empidides* describes the *Cyclops*: their Subjects were their owne flesh and naturall Princes, being wives and children.) when there were so many absolute Princes within the compasse of a Parish, that a man had scarce roome to walke in a Territory; when a Commonwealth was lodged in a Cottage, this πολυκαιρανὴ was the mother confusion, and by reason of such a multiplicity of Kings, it was not ill stiled χρόνῳ ἀεσιλίας. Though they had absolute power, yet it was confined within a narrow compasse, and if they exercised any jurisdiction, or made use of their liberty to the prejudice of neighbour States: this begot controversies, and both parties having right to be Judges in their owne causes, they made force the measure of decision, and who was strongest could not be knowne, but by the issue of the warre.

Quis justius induit arma

Scire nefas, summo se judice quisque inietur.

Hac acies vultum factura nocentem est.

To prevent those fatall mischiefs to which they were subject, while

vvhile they lived in this hostile State, evidently occasioned by their divided powers, a vway vvas found out by making their individuall strengths, and the many narrowv authorities (vvhich still iustled one another) one legall power, and this vvas placed then vwith great prudence in one person, to the end the cause of their sufferings might be fully taken avway, and that there might not be left a possibility of relapsing into their former miseries, vvhich proceeded from opposition betveen equall authorities. Thus I grant to them their ovvne Scheame, yet vwithout prejudice to that truth delivered by *Cedren*, vwho makes *Adam* the catholique Monarch: *Οὐτὸς ἡγαμόνισσι τῶν ἄνθρωπων, δι' ὅλης αἰπῶν τ' ὄντος.*

As reason first represented to them Monarchy, as the most perfect forme, (from vvhich their vwant of government vvas a defection, for vvee may say of Anarchy, *Non fuit sic ab initio*) so sense confirmed it, they having happy experience of those eminent advantages peculiar to this constitution, as unity, secrecy, and expedition. The *Roman* story doth approve this wisdom, by acquainting us with the small miscarriages, and bad successes of their Armies, when commanded by two Generalls. And if we looke upon this State in peace, we shall finde by putting downe Kings they laid the seed-plot of those many miserable civill warres, with vvhich that people vvas so frequently, so extremely afflicted.

The government of Rome according to the forme, democraticall; but according to the practise, an illegall Monarchy.

Different judgement of the best forme of go-

The forme of that Commonvvealth vvas Democraticall; but if vve judge of it, not as established by Law, but according to the practise almost in all times. vve must pronounce the Government an illegall Monarchy. For either some one man governed the Senate, and made them an instrument to oppress the people, or else (according as vvas aprest to advance his interests) siding vwith the people, and telling them the Nobles took too much upon them, he by their power compassed his private ends under the names of common good, & publique safety.

The truth is, the different judgement of the best State, doth de facto open a gap to sedition, because men naturally desire to live most happily, and are easily tempted to contribute their endeavours to any change, which they fancy for the better; though

in right it ought not to be so, notwithstanding some forme might be proposed, which were really more perfect, because our faith once given to the present government, cannot be recalled; this civill union is as fast tyed as the marriage knot, we are bound to take it for better for worse. And if otherwise, States would probably bee shorter liv'd then men, as having their foundation on the sands, that is, on the inconstant wills of the people, who are blowne about with every winde of contrary discourses. But in this Dispute, concerning the best forme of civill society, there is a great fallacy, as yet not fully discovered. Schemes are drawne in speculation, and politrique discourses are framed, which beare much resemblance with some figures of Mathematicians, which are made with much ease upon paper, and with appatence of solid demonstration, so that the Schollers not able to object against it, entertaine it for certaine knowledge. But when reduced into practice in wood or stone, the failings are presently seene, and their contemplations appeare vaine and unprofitable, because they did not take into consideration the capacity of the Subject, on which they were to worke, nor fore-saw what resistance the matter would make. This errour is committed in the comparaison of States, and many plausible reasons are laid down for the rule of the Nobles, or of the people; which are best confuted by experience. For, when it is debated, whether Monarchy bee the most convenient government, the true sense of it is this, (if we judge according to the frequent practice, which in Politiques is made the most reasonable measure of Lawes) whether the people will live more happily when Law places the supream power in one, and nominates that person (by which no roome is left for division) or when one man being more active and crasy then his fellowes, who ought to have an equall share in this authority, raises a faction upon plausible pretences, and under colour of serving his side, perswades them to be commanded by him, and so exercises the supream power in an illegall way: which, as it is compassed by ingaging the people in misery, under colour of making them more happy, so it must bee kept up by as bad arts, and an Army must bee maintained, to make good by force, what Law cannot justifie.

*government,
of-times
the cause of
sedition.*

*Fallacy in
discourses, con-
cerning what
kinde of go-
vernment
is best.*

I do not wonder, (for it is no strange thing, part of the people should be unwise) that some should bee induced to cast off Monarchy. They are told, it is very unreasonable that one should have all the power,

— (*Toto liber in orbe
Solus Caesar erit;*)

They may upon the same ground perswade them to quarrell with God Almighty. Their meaning is (though they dare not speake out) there is no government good, unlesse they have a share in it. This interest of being joynt Sovereignes, makes them unable to see, or else willing to dissemble the apparent dangers which division threatens, as likewise the great disadvantages which wait on slow proceedings, (counsels, as well as men, growing weake by age) and the unhappy miscarriages of brave undertakings, because not managed with fitting secrecy. All these three are plainly spoken in many Governours, Faction, Delay, Opennesse.

*By what
means so
many of the
people are
mistled into
Rebellion.*

The method whereby the peoples affections are poysoned, and wonne to a dislike of the present State, and by degrees, brought first to desire, then to attempt an Innovation, is this. All the defects (how unavoidable soever, by reason of secret lets and hinderances not to bee for-seene, as depending upon many circumstances, which are variable according to other mens wills, and which they have not the honesty to put the people in minde of) are with great care represented to their considerations, and much diligence is used to set before them a perfect Catalogue of what ever faults have beene committed by inferiour Magistrates and under Officers; and as they have excellent memories in repeating grievances, so they have learned an art (very convenient for their ends, and for creating a misunderstanding betwene King and people, that they may manage the discontents of the Subject to advance particular designs) to forget the severall satisfactions given by Princes, when upon generall complaints, they are fully instructed in their Subjects sufferings.

The next worke is to assigne such a cause of these corruptions

ous as shall open a way to the alteration they aime at, which is, to impute them to the nature of a monarchicall government, by telling them, their happinesse is built upon a very uncertaine foundation, the will of one man, and if he be bad, they must surely be miserable.

Lastly, a promise is made, of healing all thier evils, and the remedy is, *multitudo medicorum* (the same plausibilities may be urged to perswade an entertainment of many Physicians about a sicke person, as about a distempered State, but experience masters these reasons; and hath demonstrated the danger of it) they must place the Souveraigne power amongst many, to the end, if one should faile of his duty, others may supply it, if one should be willing to oppresse, others may be able to protect them. It fares with men in the distempers of State, as in those of their bodies; They are easily induced to make triall of what any man tells them will do them good, and they have the strongest phancies to those things of which they have least experience. But the Fallacy which abuses the people is *non causa pro causa*; there ever was and alwaies will bee matter of Complaint, under what kind of regiment soever we live, and till men bee absolutely perfect, the government cannot be so; voluntary corruptions, and naturall fraileties must have an influence upon every state. This tampering with the Body to reduce it to perfect health, hath overthrowen many excellent constitutions, and such kind of physicke proves the most dangerous disease. Wherefore wee must not fall out with our selves upon every distemper, and presently thinke of altering our naturall habit, lest wee make our selves well, only as dead men are so. It may become State-doctors to take notice of *Hippocrates* his Aphorisme, *consuetudo longo tempore, etiam si deteriora, insuetis minus molesta esse solent.*

It will concerne us in prudence to take that course which will convey to us the greatest goods, and is the most probable way of avoiding the most evils. And this I conceive monarchy is most likely to effect, and I make no doubt the people would bee of the same opinion, if their affections had not beene craftily prevailed upon, by that miserable fallacie of unequall comparison, betweene a King not performing his trust, and Nobles not
Fallacie of unequall comparison.
 failing

*Greater hopes
in Monar-
chy; greater
feares in an
Aristocracy.*

failing of their duty (as if the word *ἀεσσηγία* or optimacie would warrant it,) whereas if they were put into a just ballance they ought to be supposed both good, or both bad, and then a true judgements might be made of the mischiefs and advantages: Then we should clearly discern, we have greater hopes under a vertuous King, (suppose both good) and greater feares under a vicious Nobility or Senate (suppose both bad). And besides there is one very considerable circumstance, which ought to rule much in the decision; it is much more probable wee shall have a good King, then a good Nobility. (I take good in a politique sense, for that only concerns the present dispute, and understand it in this notion, as providing for the peoples happiness.) Because his interest is the same with that of the People, which is strong State security; whereas that of particular Nobles, and much more of men of lower ranke, where such are admitted, is divided from the publique happiness. The Commonwealths of Greece will afford many examples of persons selling their Country, and putting the great Councell upon ill attempts, and labouring with their utmost cunning to frustrate good designs, because their dependence upon a forraigne Kingdome or State, was worth much more unto them, then they could hope to gaine by honest service to their Country.

*Kings in-
terest the
same with
the peoples;
that of No-
bles divided
from their
happiness.*

*Much greater
happi-
ness in Mo-
narchy.*

First, we have greater hopes under a vertuous King: because upon supposall that both bee willing to promote the peoples happiness, yet hee is more able to compasse that end, by reason hee hath a more united power, and the execution of what ever designs, depends but upon a single resolve, and therefore may be managed with certaine closeness, and all convenient swift-ness, so that good counsells shall bee first discovered in the effects: whereas a great body moves slowly and most times the opportunity of doing is gone by, while they are but halfe way in thier deliberation.

Subjects, living under good Lords or Senators (such as value the honour of being esteemed worthy patriots, above the advancing their owne fortune, or raising children, or preferring friends, *subsidia dominationi*, or enriching kindred, and these qualities rarely meete in the major part of an assembly) seeme to me

to be in the same state, as children who have lost a father, and whose fortunes by his care are left to Feoffees in trust; these, though extreamely honest, yet by reason of necessary particular cares, which more immediately concerne them, and because they are many, and so every one expects the rest, will probably bee carefull to performe this trust, an therefore he may be spared, and allowed to spend his time more advantageously in improving his owne estate, especially this performance of faith to a dead man being a very barren vertue, either the wages being payd before, or else nothing allotted. He presuming upon their goodnesse and frequent deep Protestations of loving his equall to themselves, and thinking it an unworthy thing, to set a price upon an old friends fidelity, and so leaving it to be rewarded onely by heaven, and the same honest care in others of their children; These I say, out of reall or very plausible hinderances, are forced to neglect the childrens portions, and the poore Orphans receive uncomfortable satisfactions. They would have beene in much better condition, though strangers in wordly affaires, if wholly left unto themselves, because their necessities would have quickned them, whereas now their hands are tyed up from helping themselves, and all they can contribute towards making themselves Masters of their owne fortunes, is a fruitlesse impudence in vainely importunating the curators: So is it most times in the governement of many, though understanding, and good men; which is a rare happinesse, and yet no security against miseries, because *onus commune negligunt singuli*, what belongs to their common care, frequently miscarries by particular negligences.

Secondly, we have greater feares under vicious Lords or Senators; That is, it stands with cleare and evident reason, wee should be more miserable, living under many tyrants, then under one. The thirty tyrants of *Athens*, and the Decemviri of *Rome*, and that state variously oppressed, sometimes by the Senare, sometimes by the people, and at length to prevent ruine *cadens in sinum imperatorum*, are examples of this sad trueth. That which makes a people out of love with Monarchy, is a contemplation of the miserable consequences of abused power, vvhere-

Greater miseries in Aristocracie.

Monarchy, a more healthy constitution.

as the gouvernement by Senate is more apt to degenerate, and the oppressions under it are more intolerable.

As there are many advantages peculiar to Monarchy, so there is not any one inconvenience to which a people living under an Aristocracy (as to instance for the better understanding it, under a Parliament as it is now mistaken for the two Houses challenging absolute obedience to their Ordinances, without the Kings ratification, nay, against his plaine denyall, by which they are null by the Law of *England*) are not subject in a much higher degree.

*The diseases
of a Senate
more violent.*

Let us suppose a Prince to be lustfull, or cruell, or covetous, or prodigall, and wasting what might be employed on the publique upon favourites. If these vices are so grievous, when confined within one brest; to what height will our misery swell, when they shall bee scattered through all parts, and bee active in each corner of the Land? Their wives and daughters may bee safe by distance, and live out of the reach of one mans embraces: If his loose desires are so insatiable, how can they weary those of so many? Secondly, it is more easie not to incur the hatred of one, whereas there are scarce possible wayes of compliance with so many crosse humours. One will never fall out with all, for hee knowes, hee should have an ill match of it, whereas the whole State may suffer by cruelty exercised by divided oppressors, because each man gives full reines to his revenge, as thinking it safe enough, the feares from a few persons crusht by him, being below the delight of manifesting his power in his enemies calamity. Thirdly, the covetousnesse of Senatours is more devouring, because wee may feed one fire with lesse expence of fiewell, then a hundred. And fourthly, a Princes profuse spending upon favourites is infinitely overballanced by so many providing for their poore kindred, and making friends, and purchasing dependants. This art (very necessary to all men employed in State affaires, who are subject to various censures) of underpropping their reputation, and hiring Advocates to plead for them in their absence, must draw out very considerable summes, and be more chargeable to the people (from whom the supplies must come) then the bounty of one man,

man, though shrowed downe over-plentifully upon some few privadoes. The wisest States have ever made ample allowances to enable their Prince to bestow favours according to meritis, or liking, (the priviledges of every private man) it arguing a noble soule to be bountifull.

It hath beene shewed already, that Monarchy is a more healthy constitution, and that when sicke the diseases of it are lesse violent, and it will easily bee made to appeare, they are more curable. Good counsell, or at least age and experience hath reformed many Princes; but however our grievances are mortall, the death of one opens a way to better hopes: but the corruption of a Senate ends in dissolution. Tacitus gives a full character of the distempers which are fatall to a degenerate Senate.

Inter Patres plebèmq; certamina exarsère, modò turbulenti tribuni, modò consules pravalidi; & in urbe ac fòre tentamenta civilium bellorum. Mox è plebe infima C. Marius, & nobilium savissimus L. Sulla viçtam armis libertatem in dominationem verterunt, 2. hiss. There arose hot contentions betweene the Nobility and Commons; now the factious Tribunes bore sway, then the Consuls kept them under. In the City and the place of publique assembly there were frequent skirmishes, the Preface and Essayes to a civill warre. Aton *Caius Marius*, the meanest of the Commonalty; and *Lucius Sulla*, the cruellest amongst the Nobles, destroying their liberty and property by the assistance of their illegall *Militia*, introduced an absolute and unbounded government.

There bee some, with whom that of Ecclesiastes prevails, *Woe to thee O land, when thy King is a child*, and they thinke it a strong argument against monarchy, because this calamity is not incident to a senate, they not being subject to nonage. But this place rightly understood, is a very full confirmation of the happy condition wee have reason to expect under monarchy, and of the calamity and woes which probably attend an Aristocracy. For the cause of those miseries foretold is plainly this, A King during his infancy being not able to rule, the government is managed by the Nobles. Whence we learne, that change which the people oft times with sinnefull earnestnesse labour for,

Easie remedies for a sicke Monarchy.

The diseases of a Senate incurable.

The miseries of a Kingdom when a child governs, an argument for monarchy.

for, is to bee found in the catalogue of Gods judgements, and they sue for, and by wicked arts endeavour to compass their owne punishment. It is an argument of Gods great mercy to them, that he fights against them; if he were thoroughly angry, the designs of innovatours would have better successe. This truth is warranted by Scripture, *For the transgression of a land, many are the princes thereof: but by a man of understanding and knowledge the state thereof shall bee prolonged,* Proverb. 28. 2.

Popular forme the worst government.

To all these corruptions a popular state is more subject, and the imperfections of it, are so much the greater, at it is farther distant from monarchy; the temper of it (which is unity, the soule of government) being more easily dissolved. Those which cry it most up, will be unwilling to admit it in their families, which are smaller principalities. Three things especially have made it so taking with the vulgar. I. A pretended impartiall administration of justice; 2^{ly}. An empty name of liberty; and 3^{ly} the so much applauded equality, by which they seeme to reduce their civill constitutions to the primary lawes of nature, which gave to all men a common right.

More equal administration of justice without reason, and against experience, promised in this forme.

Concerning the first, their hopes, that justice should bee more equally administred, are grounded upon this probability: It is very hard to corrupt a multitude into favour or respect of persons; (though some rivers have beene infected, the Ocean cannot bee poysoned.) A man may satisfy the interests of one or some few, but to buy injustice of so many would be no thriving trade, he might more cheaply loose his cause. This is a plausible, but very fallacious argument. Because experience makes it evident, that to prevent the evils of division, which the many following particular and crosse interests doe beger, one remedy is constantly made use of, which is this; some few of the more crafty citizens, who have gained credit with them, agree together in private, & order businesses at their close committée, and soo undiscernably lead the multitude on to what ever they call the publike good, of which, they having prevailed upon their affections, are esteemed the most competent Judges. And what is this, but to pretend to a Democracy, and bee governed by an illegall Aristocracy? By this meanes any one of the junto (for

SECT. II. *Taking up Armes against their Souveraigne*;

25

(for they must gratify each other mutually) is enabled to stop the course of law in a friends behalfe, and to put a sharper edge upon the sword of justice when it strikes an enemy. These kind of men have got the Art of changing the peoples opinions of just and unjust, according as it is more suitable to their owne profit, and they are not so much beholding to any solid wisdom for it, as a kind of frothy eloquence, which wee may observe in thier set speeches and declarations, with much cunning fitted to the capacity of their auditors. They do not at all trouble themselves to satisfy reasonable men, for they are but a few, and can stand them in little stead, where things are carried by the greater number, and reasons are not weighed, but told. The art is, to apply their harangues to that which rules weaker men, the affections (*suadendo docent, non docendo suadent*) and these are easily convinced, and made the measure of their judgement; the want of weight in the premises being supplied by an extraordinary love to the conclusion. It was too truly said in reference to these popular decisions.

— *Utilitas justis propè water & equi est:*

From this fountaine arise the many debates amongst men in civil affairs. For in Mathematicall knowledge, because it concerns not *meum* and *tuum*, there is an unanimous consent; all agree, what lines are streight, and what crooked; but the judgements of right and wrong, are as various as their interests differ.

Secondly, concerning liberty, it is very strange that men should so generally fall in love with a bare sound, and court a name of freedom, which duely examined, will be found to signifie nothing. They cannot meane by it a loosensse from all lawes, because their intent is to change, not take away government; they dare not owne such a pernicious licence. And therefore the true debate amongst men, is not whether they shall admit of bonds, (that is such obligations as lawes lay upon them, these are readily embraced) but vvhoe shall impose them; the question is not *an servient, sed an uni vel pluribus*, and it is commonly called liberty, to serve more masters.

The objection of greater liberty, answered.

The restraint of our freedom is that vvhich is most valuable
D amongst

amongst the benefits of government. For this preserves peace between men, that their hands are tyed up from doing injuries. Though we naturally delight in a full and absolute liberty, yet the love of it is over-ballanced by feares; every one could wish to retaine it himselve, but not upon this condition, that all others should enjoy the same freedome. Because as the contemplation of our owne liberty is pleasant, to do what we list, so there is a more sad consideration arising from the thought of others freedome, to make us suffer, as much as they may bee tempted to inflict.

*Equalitate
nihil est ini-
quius.*

Thirdly, concerning equality, if they urge, it comes nearer to the law of Nature, by the same reason they must dissolve the bonds of all government, since there can be no Magistrate, no Superiour and Inferiour, and *par in parem non habet imperium*; so we must indulge to every man to doe what seemeth good in his owne eyes. This argument doth not conclude for one forme above another, but equally destroyes all, and is applyed to a popular State, onely out of resemblance of some imperfections common to both, because that government comes nearest to none, ad is but few degrees removed from Anarchy and confusion. But the truth is, this equality which they so passionately affect, is clearly against nature, who, if an equality of rewards had bene intended; would have made all men equally deserving. Reason doth teach us, since it is manifest, we may excell others by education and industry; greater encouragements should bee allotted, in consideration of the charges of good breeding, and of the extraordinary studies, whereby men enable themselves for the honour and good of the publique. Besides this equality, though pretended to conserve, doth in truth destroy amity, for none are so quarrellsome, none so subject unto envy, as equals.

We may judge of the thriving of popular States, by what wee observe in commons, which are alwayes poore, and bare, and if taken into one mans hands, would bee improved fourefold: wee finde by experience what all should looke after, is neglected by every one, whilest each man thinks his particular expence of time and study will not conduce much, and that they may be supplied by others, and therefore hee chooseth to employ them rather

rather on his private interests much more profitably.

Seeing that the greater part of men in popular sway, are bred up to gaine, they make profit for the most part of the rule of their actions, and so entertaine but little sence of honour. And hence this State is easily corrupted by their low affections, so that particular persons may be sometimes rich, the State can never bee glorious. How can the happinesse of that Commonwealth bee lasting, where the wiser and honester part being still the fewer, must bee ruled by men of weake understandings, and of corrupt affections, men extreemely violent, if they be not awed, and in their feare irresolute in all thier proceedings, men not capable of secrets, so that they expose themselves to all disadvantages? Their assemblies are full of inconstancy and disorder, it is very hard to separate tumult and multitude. The wiser oft times dare not speake, fearing the madnesse of the people. For if things should succeed ill by some secret lets, they are sure to suffer for the event, since amongst such Judges it is not enough to counsaile prudently, unlesse fortunately also. The States of *Sparta* and *Athens* will afford plenty of examples.

If they be not united by feare of a forraigne warre, they will quickly breake out into a domestique. They are well compared to the raging of the waves; their contrary humours easily raise a tempest. The united Provinces are thought by many to owe more to the *Spaniards* constant enmity, then to the aides of *English*, *Scots*, or *French*. (And yet without their assistance they had beene long since swallowed up,) and they may thank the justice of Monarchies, that these friends made them not a prey to themselves. He is a stranger in the *Roman* story, who knowes not how fatall Mercenaries were, when lent by a Commonwealth. If he would not have fought with them, he had conquer'd them long ere this. The fate of *Greece* would have beene theirs, *Græciæ civitates dum imperare singula cupiunt, omnes imparium perdidērunt*: wee see how the *Athenians*, *Lacedæmonians*, *Thebans*, *Arcadians*, *Phocians*, *Locrians*, *Corinthians*, *Bæotians*, with others, variously siding, that they might keepe the ballance even, miserably warred upon one another, till

at last Philip tooke advantage of their discords, and made himselfe King of all.

I have beene tempted into this large digression, for the fuller satisfaction of the people, in whom a dislike of the present government is begot, and so a way is laid open for a change of it, upon pretence some other forme would be more advantageous. Which first is not true, and therefore they have not any motive for disloyalty, since they would bee dishonest against Interest. And secondly, if it were true in it selfe, yet it is not so, when a State is settled under another forme, the certaine miseries of a civill warre, and the great difficulties of setting it together, when it is torne into so many pieces, will be above any hopes they can reasonably propose to themselves. And thirdly, if it could be done advantageously and safely, yet it cannot honestly. Thy will forfeit Heaven for that, which in all probability will make them more miserable upon earth; and it were a sad purchase, if they should obtaine as much as their ambition or covetousnesse can devour. Civill society is founded upon Justice, and supported by Religion, which obligeth us to preserve the faith of contracts intire. We are bound to stand to our bargaine, though it should appeare it might have beene better made. Experience shewes us, that States may live and flourish too under the worst forme of government, and they are not immortall under the best. Let the imperfections bee more or lesse in this or that kinde of regiment, they cannot dissolve the Subjects conscience; though he may have reason to preferre other Lawes, he must have so much religion to be obedient to those under which it pleased God to place him.

It is high time to make particular application of the former discourse, concerning the originall of government, and by a distinct state of it to give light to all which followes.

*True state of
government
in generall,
with applica-
tion to
that of this
Kingdome.*

Non est potestas nisi à Deo, saith the Apostle, *Rem. 13.* There is no power but of God, that is, the right by which the Magistrate governes, and all the jurisdiction he exerciseth is derived from divine ordinance. This may be conveyed either immediately, as amongst the Jewes, when God designed the person, which

now

now no State will pretend; or else *mediante populi consensu*, the consent of the people intervening, and this two wayes, either by a free election, upon hopes from his extraordinary goodnesse; or by conquest, attended with a voluntary submission, upon feares from his extraordinary power, that he may be willing to protect, who was able to injure: whether of these motives presented the person, is not certaine in the first times, but is cleare their Empire was absolute (I exclude not the bounds of justice according to the Lawes of right reason, and equity) usually knowne by the name of *παμβασιλεία*, in which *arbitria principum pro legibus erant*. Though this continued long in the world, and the Easterne people enjoyed a great measure of happinesse under it, and therefore with great reason (to use the expression of *Tacitus*) *additè admodum regnabantur*, they were subje& most devoutly; yet the sense of some sufferings (as the fate of humane things is interwoven with a mixture of good and evill) suggested a remedy, which was to bound his power within the limits of positive Lawes. From hence proceeded the different qualifications of Regall power in severall Kingdomes. Some, though restrained by Lawes, yet were truly Monarchs, *ὅχι ὑπερδύναμι πᾶσι*, being not responfable for any breaches, as supream, though not absolute: others had the name and title of Kings only, but were subje& to a superiour jurisdiction, as *Theseus* to the people, the *Spartan* Kings to the *Ephori*. It is not necessary to determine that question, whether the frequent debates about the not observation and the breaches of these agreements, (which, a discontented part of the people challenging the liberty of being Judges in this case, and the King thinking he had as much right, did produce civill warres, and most unnaturall distractions) have not heretofore, and will probably hereafter make States more unhappy then they were even in their worst times, and when they suffer'd most under the abuses of one mans power, whilst there was, though sometimes an unjust, yet alwayes a certaine way of ending controversies; when a sentence, if it did not finde, yet made a right, and *res judicata pro veritate accipiebatur*. To decide this, I say, is not altogether necessary, because the obligations which

lye both on King and people have their strength from this, not that he might better governe the people in such or such a way, but because this particular government is established by the consent of both parties: their wills give the forme to the regimēt, and not the conveniences of it. To come nearer home, and grant as much as reasonable men, and those which understand the nature of government can require. For I thinke they doe ill service to the cause, though with good affections, who out of a desire to make it more firme and stronger, place it upon any other then the naturall foundation, and that which is onely fit to support it, and take the rights which God gave to the Kings of *Judah*, for the measure of all regall authority, which if they were, all Kings would have equall power, but this evidently varies according to different Lawes, and is more or lesse according to severall constitutions. That which is pleaded for in this discourse, as common to them and our Kings, is onely *Jus Regni*, the right of Monarchy, not to be accomptable to any inferiour jurisdiction.

I shall not deny, a Kingdome may bee so constituted (but then it is no Monarchy) that upon a reall breach of such or such conditions, named in the compact, and a forfeiture being expressed, the sword of Justice may be taken up by some Magistrates, appointed by law, as the *Ephori* amongst the *Lacedaemonians*; or by the people, as at *Rome* when the last appeale did legally lye unto them: for it did not alwayes, as when a Dictator was created, hee was the whole people for six moneths, and though the time of his reigne was limited, his power was not bounded, he was *divinus juris*, accomptable to none for what he did in his regency; no, nor when a private man againe: and so under the Emperours, as appears by the *Lex Regia*, quoted by *Ulpian*, which transferred all the peoples power upon him, (*L. quod. D. de constit. prin.*) A mistake upon this hath seduced so many of the Kings Subjects into Rebellion. For because it is made appeare a State may be so established, and they are induced to believe, it is more reasonable it should be so established; upon these premises they conclude most inconsequently, that our State is so established, and in the strength of this fight
against

against His Majestic, and did their best to kill Him, contrary to Gods ordinance, applyed to our civill constitutions, and repugnant to their owne oath, in which they swore to be loyall in reference to His Person, and that they would defend His life with their utmost power.

That a Kingdome may be so established, a considering man will not gainsay. If the State of *Venice* should call their Duke King, this new name would not convey any new power into him. Election or succession cannot rule the case; for an elective Kingdome may be conferred absolutely, as will appeare in the *Roman* Empire, and a successive may be subject to forfeiture, if this bee exprest in the Covenant. For succession is not a new title to more right, but a legall continuance of what was first gotten.

2. That it is more reasonable so to establish a Kingdome, that the Prince shall bee accomptable to a higher power, either placed in some Magistrates, or in the people, (and then by the way it is not a Monarchy, but either an Aristocracy or a popular State) though this bee very false, yet if it were true, it cannot justifie this warre novv undertaken as things are ordered in this Land, against the King. Because Policy is no dispensation against observing knowvne Lawes, and vve may not destroy our Governours out of reason of State; *Machiavell* must not give Law to the Gospell. If vve might challenge such liberty, there were not such a thing as Justice, our oaths would be of no force against Interest; profit should bee the measure of our actions, and vve must conclude all right vvhatever vvas advantageous. Since then not such persons as they could better fancy, but those onely vvhom the Law hath confided in, and enabled to that end, can put Armes into the hands of the people, it concerns every man, as much as his soule is worth (for that will certainly be lost in those great sinnes of Rebellion, Perjury and Murther) sadly to examine whether to fight against the King, be not to resist the Supream Power, to which God hath threatned damnation.

Every State hath a supereminent dominion or paramount interest over all particular men, and what belongs to them, and
confe-

Non-resistance to the
supream
power, essentiall to the
preservation
of order.

consequently hath full power to restraints the licence of resisting, for the preservation of order and publique tranquillity. That it should lay such an obligation upon all Subjects, there is evident reason, because what the supream power, that is the State (in order to those things wherein supremacy consists) does, is truly the act of all, and none can have just of quarrell for dislike of what they themselves doe; and moreover necessity inforces it. Because without this the essence and being of a State were destroyed, which is, Order. For this ceases, if first and last bee confounded, and the Citie is dissolved into a multitude, and that which should bee one body, becomes so many independent men.

The benefits which are conveyed to us by men in authority, are described by *Timothy* 1. 2. 2. and he calls them *the leading of a quiet and peaceable life in all godlinesse and honesty*. It is not imaginable how they should bee enabled to compasse this end, except some sentence bee supream, from which it shall not bee lawfull to appeale; and consequently except that power which Law armes, and which lookes to the execution of what is decreed, bee not to bee resisted. For if it should bee indulged to us to change our Adversary, and fall out with the Judge, and as oft as wee thinke wee suffer wrong by his determination, to take the freedome of righting our selves, upon this ground, that his duty is to give righteous judgement, and therefore not satisfying that trust, hee is no longer a Judge, then just; his sentence ought not to bee submitted to, for wee are not bound to bee obedient to his will, but law; if hee endeavour to put it in execution by himselfe or his malignant Officers; though wee kill him, it is no fault, because violence was offerd onely to his person, not to his authority, which was none in this case, because hee judged against Law, and that gives not power to its owne overthrow; it is evident this principle makes our strifes and debates endlesse, all our Lawes would be writ in bloud; it breakes in sunder all the bonds vvith vvhich the goodly frame of government is knit together, and robbes us of our peace under Anarchy and confusion. Out of this consideration the vvisedome of all States hath thought it fit to secure the person or persons in vvhom the supream power is seated, by

by the strictest Lawes, and most severe punishment, which cannot consist with a liberty of resistance, to the indangering his or their lives. By the Civill Law, a Souldier was cashiered, not if he did strike againe, but if he onely kept off some strokes, and held the rod of a Centurion; but if he broke it willingly, or offered the least violence, he was sacrificed to the Roman discipline, and expiated his offence by death. Certainly the people would have nourished in their breasts a greater reverence, and more awfull respects towards Majestie, if they had not beene ill catechized and taught, that *Dei minister est nobis in bonum*, He is the Minister of God, might be construed, the Peoples servant; and that a King is but their creature, and therefore in duty is bound to submit to his maker.

The truth is, we finde it called by *Peter ἀνθρωπίνης κτίσεως*; the people have a hand in it, this cannot be denied, but we have it in the same verse raised into a divine workmanship, *ὡς τῷ κυρίῳ δεῖξαι τὸν κύριον*, acknowledge your selves to be subject, submit to the King, or breake not order, in which he is first or supream, for the Lords sake: 1 Pet. 2. 13. The worke is taken out of their hands, when they have contributed as much as they were able, which was to give up their divided powers, and unite them in him: their act made him the fountaine of all that power which they had, and by consequence the fountaine of all honour, that alwayes bearing proportion to the former; for to honour is nothing else, but to testifie by our actions an opinion of so much or great power in any one, and therefore the same act is exprest onely in different words, *Feare God, honour the King*: v. 17. If they had beene changed to honour God, feare the King, they had signified the same duty. And therefore it is said, *Servants bee subject to your masters with all feare*, v. 18. The worke, I say, is taken out of the peoples hands, and God himselfe perfects it. If it had stayed there, if God had not pleased to adde to, and finish it, yet it had beene most true, that no resistance were lawfull; and evidently false, that hee were *universis minor*, because he that hath supream, that is all their power, is the representative all, he is legally the whole people. But the obligation of not resisting is infinitely more weighty, if

The King is
Dei minister, not the
peoples servant, not
their creature.

The King
Gods repre-
sentative;
as well as the
people.

Power over
the life of
man, from
God onely,
not from the
people.

we consider him not onely as representing the people, but as representing God himselfe. He hath given to him a power of a much higher nature, a part of his dominion over the life of man. The people could not agree together to dispence with Gods precept, *Thou shalt not kill*, nor distinguish shedding blood with the sword of vengeance from murder. It was not possible for any man to give away a greater right over his owne life then hee had, *Nemo plus juris ad alium transferre potest, quam ipse habet*; and hee had nothing to doe in the disposall of any others, and therefore except killing a mans selfe bee lawfull, the people cannot enable the Magistrate to take away their lives. Hence it folloves, though that be lamentable Sophistry in many respects, *Quicquid efficit tale, est magis tale*, urged to maintaine a cleare contradiction, that Subjects are above him vvhom they have placed over them; yet if it were sound reason, it were a very impertinent argument, because it proceeds upon a false supposall, that the people should *efficere talem*. Because *in gladio*, (to beare the sword innocently, and to cut off offenders without deserving greater punishment then they inflict by transgressing against Gods knowne will, *Vindicta mea, ego retribuam*, Vengeance is mine, I will repay saith the Lord,) must referre to God as the author. Magistrates are Θεῶν Ἀγγελοι, Gods Delegates, and not the peoples; Θεῶν Διῳκονοι, ἰνδικοι εἰς ὅρῳ, Gods Ministers, his revengers, (or as it is better without a comma,) his revenging Ministers to execute wrath. It is very strange the people should bee so much abused, as to be perswaded to take upon them Gods Prerogative, and to usurpe his language. *Psal. 82.6. Wee have said, ye are Gods*; and to contradict Christ, who sayes to his unjust Judge, *Thou couldest have no power to take avay my life, unlesse it were given thee from above*: but they state it otherwile, unlesse it were given thee from beneath, from us, and we were not so mad as to contract for our ovvne ruine.

Most of their Writers in their printed Sermons and Pamphlets, declaime against this same behaviour, this obligation not to resist, as an absurd and sencelesse thing, and a condition repugnant to mans nature, and unworthy of reasonable creatures; but

but I must tell them, God was not of their opinion, who thought it fit to governe his owne people in this way: who ever was not obedient to what the highest authority did determine, was to die, as appears *Deut. 17. 12, 13. The man that will doe presumptuously, and will not bearken to the Priest, (that standeth to minister there before the Lord thy God) or unto the Judge, even that man shall die, and thou shalt put away the evill from Israel.* God commands he should be made an example, that the people may not bee tempted to Rebellion; for in the 13 verse it is said, *All the people shall heare and feare, and doe no more presumptuously.* It is worth our notice that here *all the people* are mentioned; if they had agreed together to resist not a pretended, but a really false sentence, this conspiracy could not turne their sedition into a just warre, it could not take off the guilt of disobedience, though the multitude of offenders might hinder the punishment; *Populus salus, suprema lex* had bene but a weake plea here.

*Gods owne
people bound
not to resist
the supreme
Magistrate;
therefore this
no absurd
constitution.*

This is urged onely to prove thus much, that all their arguments (which have greatest influence upon the peoples affections) drawne from inconveniencies by reason of the faults of Governours (under which the *Jewish* Commonwealth frequently suffered, as appears by the Prophets reprehensions) may as justly bee made against the *Jewish* Government of which God himselfe was the author. And that he forbade resistance to supreme authority is plaine moreover, the first of *Joshua. v. 18. Whosoever hee bee that doth rebell against thy commandement, and will not bearken to thy wordes in all that thou commandest him, hee shall bee put to death: onely be strong and of a good courage.* Hence the weakenesse of that Sophistry (which hath caused these sad distractions) is evident. For they perswade the people, it were madnesse to make such a contract, which upon supposall of bad Governours would leave them without remedy, and therefore take it for certaine truth they made their bargain wiser. Whereas there is no ground for imputation of folly, for following Gods owne patterne, and yet if it were indiscretion, this doth not void the compact: They are bound to

bee honest, though they were not wise; to plead they were fooles, will not licence them to bee knaves.

Lex Regni, at it is called. 1 Sam. 10. 25. the fundamentall Law of Government, (of vvhich a Monarchy is but a *species*) or the right of supream authority is most excellently described by Samuel, in the 1 Booke, 8 cap. 11, 12, 13, 14, 15, 16, 17, verses. *This shall bee the right of the King that shall reigne over you: He will take your sonnes and appoint them for himselfe, for his charcers, and to bee his horsemen, and some shall runne before his chareers. And hee will appoint him Captaines over thousands, and Captaines over fifties, and will set them to eare his ground, and to reape his harvest, and to make his instruments of warre, and instruments of his chareers. And hee will take your daughters to bee confectionaries, and to bee cookes, and to bee bakers. And hee will take your fields, and your vineyards, and your olive-yards, even the best of them, and give them to his servants. And hee will take the tenth of your seed, and of your vineyards, and give to his officers and to his servants. And hee will take your men servants, and your maid servants, and your goodliest young men, and your asses, and put them to his worke. Hee will take the tenth of your sheepe, and ye shall be his servants. And ye shall cry out in that day because of your King which ye shall have chosen you, and the Lord will not heare you in that day. It is not lawfull for you to breake that yoke vvhich ye put upon your selves, neither shall your teates prevaile vvith God to take it off your neckes: notwithstanding such afflictions vv ere fore-told, their resolution is, to have a King over them, that they also may be like all the Nations, and that their King may judge them, and goe out before them, and fight their battailles. *Sit incommodum*, vve acknowledge these are grievous inconveniences, (*nam quid ferè undique placet*, it is the fate of all governments, because managed by men, vvho may prove vitious, to bee unavoidably subject to great calamities) *verum illud comparavimus commodis*, vvee have vveighed the advantages of being ruled by a King, and conceive the probable goods vvhich are conveyed from Regall government, vvhich are knowne by experience in other Nations, vvill*

over-

over-balance these accidentall evils, however vvee are resolved to venture it.

A misunderstanding this part of Scripture hath opened a way to two dangerous extreames, which are both false, and have produced unhappy consequences. From *hoc erit jus regis*, some conclude his will is his Law; and *quicquid libet, licet*; but this is clearly convinced in the 17 of *Deuteronomy*; where the duty of their King is described, from the 16 verse to the end of the chapter.

Others make it a bare prophesie of the tyrannicall abuse of power by the King which they should choose, (if to the people had small reason to shout for joy at his Inauguration; and secondly, this was not fulfilled in *Saul*, for though he proved a Tyrant, yet not in all these particulars) and so they confound *jus* with *factum*. But it cannot bee found in any author that ever *jus* was taken in this sense. *Mischpat* will not beare this signification. When Theeves take away mens goods or their lives, it might as properly be said, *hoc est jus Latronum*, this is the right which robbers have.

To finde out the true meaning, we must know, that this law was not given as a rule for him to command, but for the people to obey by; it did not excuse him from sinning, but disabled them from punishing him for his offences: and therefore it is said, when the solemnity of his Inauguration was ended, *Loquutus est Samuel ad populum legem regni*, hee spake not to the King, but applyed himselfe to the people, and declared their duty. This was not what he ought to doe, but what they ought to suffer, when a King swerved from that rule by which hee was bound to governe. For his duty was well knowne, being laid downe many ages before by *Moses*, and written in the booke which *Moses* commanded the Levites to keepe in the side of the *Arke* of the Covenant, that it might be there for a testimony against transgressors: *Deut.* 31. 36. so that this bindes the people not to resist, though they are oppressed; vvhwherefore the close of it is, since there is no helpe in man, they must onely cry unto the Lord: *1 Sam.* 10. 18. This signification is confirmed by the Civill Law, vvhwhere vvee are informed, *jus prator*

*The true
sence of jus
Regis in
Samuel.*

reddit, etiam cum iniquè discernit; the meaning of it is explained, relatione scilicet factâ non ad id, quod ita prator facit, sed ad illud quod prætorem facere convenit; L. jui plur. D. de just. & jur. And in this sense, *summum jus* is sometimes *summa injuria*.

It were happy for all States, if the people were fully instructed in this Text, and could distinguish *Potestatem imperii ab officio imperantis*, the right to govern, from government according to right. For the former is obligatory and stands in full force, though he be defective in the latter.

This middle way, *inter abruptam conumaciam, & deforme obsequium*, niether guilty of stubborn disobedience, or servile compliance, is very safe and honest. For it acknowledges hee that hath supream authority, is subject to some lawes (for it was truly said by *Harmenopolius*, κατὰ βασιλέως οἱ χήκοι κατετίττωσι νόμοι, and that of the Emperours is fit to be observed, *Digna vox est majestate regnantis, legibus obligatum se principem profiteri. Adeo de auctoritate juris nostra pendet auctoritas: & reverà majus imperio est, submittere legibus principatum.* l. 4. c. de legibus.) But he is not subject to any Judge upon earth, because he hath no superiour. This the *Gracians* called ἐπιτύω/ν αὐτοκρατοριον ὄντα, a government not accomprable to men; and they opposed βασιλείαν such a Monarchy δεχῆ ὑπαδύνα, to such Rulers as were responsible: *Ambrose* exprestes it by *non ullis ad pœnam vacari legibus, tutos imperii potestate*. The reason of these constitutions was grounded upon necessity, which inforced them to place an impunity some where, for avoiding confusion. For a circle in government would be infinitely absurd, and of pernicious consequences, when Rulers are placed over us, to challenge a right to rule those Rulers. The Poët very wisely was at a stand:

— Quis enim custodiet ipsos
Custodes? —

But these men runne round till they are giddy, all the foundations of government being moved by them, and put out of course. Because they have not settled τὸ πρῶτον δεχλῶ, as *Galen* calls it, a supream power, to whose sentence the last resort must be, and

A necessity
to grand im-
punity to
some in all
govern-
ments, to
avoid con-
fusion.

and whose determination *jus facit*, that is, though it should swerve from the rule of justice, yet it must have the effect of right; it is binding to all, they cannot call him to accompt for it, and make him responsible for the wrong. His authority is a guard to his person; and though he chance to doe some things not innocently, (for he ought to be guided by the lawes of honesty given to mankind, and to observe his oath and promises) yet he must doe all safely, because hee cannot be punished by any Nationall Law. This impunity makes all resistance which may any way indanger his person unlawfull. *David* clearly determines the case. *Destroy him not*, saith he to *Abishai*, the reason of this *ne perdas* is now of full force, and tyces up the hands of inferiours in every State: *For who can stretch forth his hands against the Lords anointed, and bee guiltlesse?* 1 Sam. 26. 9. The substance of this anointment, which makes their persons sacred, and not to be touched with violence, remaines even where the Ceremony is not practised. For it is nothing else but *jus regnandi*, the right of supremacy, a true title to reigne over them; and therefore *Cyrus*, a Heathen King, is called Gods Anointed: *Esa.* 45. 1. though the materiall ceremony of powring oyle upon him, was not in use amongst the *Persians*. It is a metaphoricall expression of supereminency, taken from that quality of oyle, which is, when it is mixed with other liquours, to be uppermost.

The Fathers unanimous glosse (which certainly ought to beare greater sway in our actions, then the authority of those men, not knowne to us, but as the causes of our misery) upon *David's* confession, *Against thee, thee onely have I sinned*; *1st Sal.* 51. 4. pleads for this impunity. Notwithstanding hee had abused *Uriah's* wife, and contrived the death of so gallant a man, who forgot what was dearest to him next unto the Kings honour, and would not goe in unto his wife, untill the Kings enemies were destroyed; yet he saith, in the height of his humiliation, he had sinned against God onely, because there was no Tribunall amongst men to which hee was responsible. Our Common Law seemes to expresse it selfe in the same sense, *le Roy ne fa tort*, the King can doe no wrong; Though wee may suffer

suffer undeservedly, yet no sense of injuries received can dispence with the obligation of not righting our selves by force.

I have done with my proofes out of the Old Testament, and I desire my Readers to weigh how much is concluded, lest they should thinke the application hollow, because all Kings have not the same rights which belonged to the Kings of *Israel*.

How much
is concluded
out of the old
Testament to
the present
case.

First therefore it hath beene shewed, to restraine this liberty of resistance, is a wise government, because of Gods owne institution; and so that temptation which hath strong influence upon many, ought to cease; that it is folly to contract to be obedient in such a way, as may leave them without remedy for great grievances.

And secondly it is evidenced that the same power which the Judges before, and the Kings of *Israel* after had, is in every State somewhere, that *jus consistens in impunitate delictorum*, a right of not being accountable for their actions, which secures the person or persons in whom *suprema dominatio* is, and secures them (as strongly as Lawes can doe) from all violence, is either in one man (so alwayes in a Monarchy) or in a certaine body, whose power though abused, must give Law (in order to non-resistance) to all inferiours.

There is a possibility of suffering very great inconveniences, without any lawfull meanes of redresse: It is an unhappy condition we shall live in, if he or they should be Tyrants, and take delight in our oppression. But we cannot helpe it, God out of his dominion might thus dispose of our fortunes and lives, and he declares his pleasure so to doe, and therefore wee must choose the least evill, which is, not to resist, and by endeavouring to save our goods or bodies, to loose our soules. Certainly if we were as truly religious as we would be thought to be, we have not any cause to be troubled, though these things should happen to us. If our patience in submission to his precept bee chargeable, we make God our debtor; all the taxes and tributes are put upon his accompt, and he will returne them in as plentiful measure, as if we had spent so much charitably, (and vve cannot lay out our estate better). The Magistrate is Gods receiver, as well as the poore. He commands part of our reve-
nues

nues in him, in those he seemes to intreat: that is, to pay debts, this comes nigher to a courtesie, and therefore we might better excuse our uncharitableness, then our resistance. But what if their cruelty extend to the farthest, and endeavour to take away our lives wrongfully?

These are justly deare to men, and much is done to draw out a few yeares, (notwithstanding our comforts are interwoven with sorrowes, our feares oftentimes above our hopes, most of our dayes are cloudy, and over-cast with melancholyes, and the discontents arising from our wants (which are as vast and unbounded as our desires to have) are much greater then the narrow pleasures of enjoyment, which is confined to a few things, the stroaking of fortune being not so delightfull, as her blowes are grievous:) but what value ought wee then to set upon eternall life? how highly ought we to prize those everlasting joyes, which still quicken, and still satisfie the appetite, and what should we not suffer, rather then forfeit these? This is the present case, He that by resisting saves his life, (a doubtfull good, and of no long continuance) looses that happy being, which God hath promised to such as submit to his commands, and hee that looses his life is a great gainer, he falls a Martyr of justice, and shall be raised a Saint into glory.

The same obedience which God required of the Jewes under the Law to bee shewne to their Judges and Kings, and as high a degree of patience Christ injoyne his followers under the Gospell, towards the highest powers. And there is great reason wee should performe this duty more cheerefully, because our Saviour hath commended persecution to all those who will live godly, and that both by precept and example. His method was, *facere & docere*, hee began to doe and teach; and it is not much different in the end, *docere & pati*; to teach patience, and confirme his doctrine by his suffering: we must take out the same lesson, for the promise is conditionall, *εἰπερ σὺ μὲν ἔσονται*, if we suffer with him, then (and not else) shall we also reigne with him, *Rom. 8. 17.* Rebellion in Christians is a most prodigious thing, wee having plaine and peremptory commands for obedience, and a certaine and ample requittall for all the charges of

The same duty of Non-resistance injoyne by Christ in the Gospell.

our honesty. That Heroicall speech of Socrates, *ἐμὲ ἀποκτείνειν καὶ δύνανται, βλάψαι δὲ ὤ,* *It is in their power to kill me, it is not in their power to hurt me*, carries in it the flame of true Religion; the Apostle expresses it higher, *for us to die is gain*, Phil. 1. 21.

*The Jewes
more excu-
sable in case
of rebellion.*

The Jewes wanted not some colours of reason to justifie their impatience in this case; for it was a strong temptation not to be willing to be cut off, when their blessings were temporall, the chiefe of them being length of dayes, and upon which all the rest depended, and must necessarily end with their lives. And yet they submitted to those Lawes, which entrusted their fortunes, and being in the hands of the supream Magistrate, *Jos. 1. 18.* This power in succeeding times was often abused to their destruction, and they gave themselves up to the slaughter, upon hopes not grounded in any set promise, but onely in the free goodnesse of God, whom they thought to be a better master, then to let any man be the worse for doing him service.

*Christians
have not any
colour for it.*

But a Christian cannot have any shadow of scruple. St. Peter failing in this duty by resisting the Magistrate in defence of his innocent Master, hath taken speciall care not to be imitated, and therefore informes us largely with the full extent of Christian patience. I will first lay downe the grounds for which our Saviour reprehended him, and I desire they may be seriously pondered by such as are more inexcusably faultie, and then I shall take his precepts into consideration. Much may bee alledged in *Peters* justification, and yet all will not excuse him, *Put up thy sword againe into his place*, sayes Christ, if he do not, he threatens the punishment of murder to him, *all they that take the sword, shall perish by the sword*, *Matth. 26. 52.* It concerns them sadly to apply, who pretend resistance, but are really invaders, and therefore cannot make so faire a plea. First, it was a sodaine and unexpected assault, no means of escape did appeare. Secondly, their violence armed with Swords and with Staves as against a thiefe did evidently aime at the life of his Master; and he might not without reason suspect his owne in danger. Thirdly, he kept the lawes of that which is called *inculpata*

inculpata tutela, innocent defence; hee did it in the instant, not after deliberation, when hee might have thought of other wayes of safetie, and he had no advantage of Weapon, and hee did not kill outright, but only wounded a servant. Notwithstanding all this he is rebuked by Christ, who makes satisfaction for his offence by a miracle. And the sense of this correction made so deep an impression, that hee after warned others of their duty, when they suffer in the like persecution. *Let none of you suffer as a murderer, &c. yet if any man suffer as a Christian, let him not bee ashamed; but let him glorifie God on this behalfe. For the time is come, that judgement must begin at the house of God. Wherefore let them that suffer according to the will of God, commit the keeping of their soules to him in well doing, as unto a faithfull creator, 1 Pet. 4.* Though this might serve turne, yet hee speakes more home in another place, *Submit your selves to every Ordinance of man for the Lord sake, whether it bee to the King as supream, or unto Governours, as unto them that are sent by him for the punishment of evill doers, and for the praise of them that doe well. For so is the Will of God, that whil well doing, you may put to silence the ignorance of foolish men. As free, and not using your liberty for a cloake of malicioussnesse, but as the servants of God, &c. Feare, God honour the King. Servants bee subject to your Masters with all feare, not onely to the good and gentle, but also to the froward. For this is thank-worthy, if a man for conscience towards God, endure griefe, suffering wrongfully. For even hereto were you called. Because Christ also suffered for us, leaving us an example, that yee should follow his steps who did not sinne, neither was guile found in his mouth, 1 Pet. 2.*

The case of resistance is here enforced as highly as favourable circumstances can raise it, and when the most plausible limitations are put in, yet it is concluded unlawfull, we must submit as Christ did, though we should be as innocent as he was, and though *vires non deessent*, wee were sure to make good our opposition; for he could have summoned an army of Angells in his defence: wee are bound to submit not only to justice, but to injuries also, and to be obedient as to good and gentle masters,

The case of resistance enforced with greatest advantages, yet condemned.

so likewise to the *froward*, to *bad* as well as *good* Kings, their failing of their duty, not licencing us not to performe ours, nor dispensing with our loyalty. This is evident, because the reasons annexed equally inforce this duty in Subjects as in Servants. Though liberty bee our birthright, yet it must not bee made the cloake of sin, it takes not off those bonds with which God hath tyed up our hands from fighting against the supream power. No lifting up private swords against the sword of justice, ours against Gods weapon, *Deus resistet*, wee shall have an ill match of it.

It is well worth our observation, that though the Apostles maine worke was heaven, yet they are very sollicitours to settle our quiet upon earth, by enforcing obedience unto government. Saint *Paul* delivers the mind of God most fully, most plainly. He could not have exprest the duty of Subjects more punctually if he had lived in these last and worst times, wherein his doctrine seemes a kind of tame folly; as once much learning, now much Religion hath made him mad. Our Saviours prophecy is fulfilled of faith failing amongst men; they thinke it unreasonable, to be bound to submit to certain present evils, out of hopes of future good, and to be abused by bad Magistrates, upon expectation to be righted hereafter; & charity waxeth cold, it must no longer bee ranked amongst Christian duties to preferre publique good to private interest, the peace of the Church, and tranquillity of the State to our owne profit or safety. No, *we must stand fast in the libertie, wherewith Christ hath made us free*. We are not so indiscreet to submit to any triall by law, because we may meet with corrupt Judges; *patrocinium peccati, multitudo peccantium*, our number ought to make us safer then innocence can them; it is madnesse to bee hanged, when wee are more then those that should hang us; we may call our selves the commonwealth (for this is some where, and the lesser part hath lesse reason to challenge it to themselves) and then *Populi salus, Suprema lex*, what ever conduces to our safety, becomes law to the Kingdome. If any malignant and ill affected persons object the breach of knowne lawes by us, wee must tell them they are abrogated by equity, because if they should

should stand in force, they would destroy us. The truth is, these men antedate that prophecy of Christ (as they have done many besides) *Hee shall put downe all rule, and all authority, and power.* 1 Cor. 15. 24.

This is clearly done by their practise, Kings are dishonored in the feare of God, and I neede not say *quid verba audio, cum facta videam*, for their profest principles maintaine it. If they are not of the true religion, that is, make not the peoples opinion their Creed, or if they do not governe to the advantage of the Saints, that is, joyne not with them in those designes which they christen *Gods glory*, and the great worke, the pious Reformation, then because they are no longer *Dei ministri in bonum*, Gods ministers for their good, they are *ipso facto* discharged of their Magistracy; not Gods holy ones, but their owne vices have deposed them, and *εξουσία* their lawfull authority is not opposed by them, but their person only, they fight against the man, and not the Magistrate. This is the doctrine which hath produced such miserable things in the Christian world, to the ruine of many States, and what is more lamentable, the destruction of millions of soules. For upon those grounds many have beene induced to fight against God, and perished in their sin, and too many are so farre scandalized at it, that they suspect the trueth of Christianity, concluding within themselves, that if wee did really beleeeve that Gospell, which we outwardly professe, and if wee were perswaded those precepts laid downe by the Doctor of the Gentiles, ought to bee the measure of our practise (for he injoyne subjection though to Tyrants, for such were the Roman Emperours then, and the Kings in those times *Reges gentium dominantur earum*) the most wicked Magistrates, and those that tooke greatest delight in cruelty and oppression, will sooner be weary in doing injuries, then we could be in suffering.

Let every soule be subject unto the higher powers] *πᾶσι ψυχῇ*, all are included, not any one can plead exemption, wee may say with the Apostle, only he is excepted to whom every soule is subject. If every member should be commanded to be obedient to the head, they could not lawfully oppose upon joynt con-

Paraphrase
upon part of
the 13 to the
Rom.

sent, and ground their excuse upon a metaphisicall abstraction of the body from those of whom it is compounded. The reason is, because the action of the body is constituted of the particular acts, of each member, the joyning of so many personall acts makes up the act of the civill body, and if it be a fault in any one, it doth not take of the guilt, that he sins in consort and offends with companie. This notion of universall (speculatively distinguished from singulars, is so farre from changing the morall nature of actions, that the act of the body (which is created by law, and civilly compleated by the consent of a major part) may be sin, and yet many members, as the lesser part who do not contribute their votes, shall be innocent, because men are accomprable only for their personall deeds.

[τοῦτο δὲ] Let every one be subject, keepe under, in due rank and order. Now seeing that in all order there must be some first, all others must submit to this, and this *non potest in ordinem cogi, ab aliquo*, cannot be legally ordered by any, because there is not any upon earth, *prior primo*, before the first, and higher then the supream. If he breake his order, he is responable to him only that is above him, who is God.

*Regum tumendorum in proprios greges,
Reges in ipsos imperium est Iovis.*

These highest powers *τοῦτο δὲ θεὸς τεταγμένους εἶναι*. God is *super deos*, and orders them as he pleaseth. So that the wronged people must onely cry unto the Lord, as the Jewes were directed in their hard condition: And Saint Ambrose is sensible of this obligation, *repugnare non novi; dolere potero. potero flere, potero gemere, &c. aliter nec debeo nec possum resistere*. Least Christians should be more stiff-necked then the Jewes, who bore this heavy yoke, Saint Peter prescribes their behaviour, and tells them it is a part of their calling (and unlesse they performe their vocation, they cannot make their election sure) to imitate Christ thus farre, *who when he was reviled, reviled not againe*, no dishonorable speeches, no reproachfull language from him, which yet falls short of the meditated malice of the pen, *when he suffered he threatened not*, no killing and slaying so much as in words, and no people can have greater innocence, and no Governour greater

greater faults, but he committed himselfe to him that judgeth righteously, 1 Pet 2.

Εἰς ἄνωγας ἀντιστάμενοι [unto the higher powers]. Hereout they endeavour to picke some advantage, for, say they, by the same Logique, as we conclude impunity due to Kings, and so all resistance unlawfull, we must be forced to inlarge this priviledge, and communicate it to all Magistrates whatsoever, because they are higher powers also. But this immunity is overlarge by our owne confession, as repugnant to all States, and therefore seeing wee cannot justifie the inference in its full latitude, wee cannot reasonably collect any thing. These men strangely mistake the grounds of our deduction, their strong fancy against it, nor permitting them to take the reason of it into due consideration, we confesse thus much is concluded for all Magistrates (such are they to whom the King delegates his authority) that it is not lawfull for any that are under them to make resistance; as a private man may not oppose a Constable, nor a Constable a Justice of peace, nor he a Judge; So common Souldiers cannot punish a Lieutenant (except by vertue of a Commission from the General, and then they are above him, as being made Magistrates to execute martiall law upon him) nor he a Colonell, nor a Colonell the General, they being but private men in reference to one above them; and so Kings in Monarchies (and proportionably in Aristocracies those persons, in whom the supream power is placed, which are the major part consenting) are not judicially accomptable to any, because they are the highest. Thus much Scripture evinces, the civill law confirms, reason suggests, and the practise of all States hath imbraced it.

Lawfull to resist inferior Magistrates if they oppose the supreams.

For there is no power but of God] Here is the cause of obedience rendred, this right to governe, is not onely by his bare permission, so theft and murder are, but it is his constitution, and by vertue of this, the Apostle collects that honour is due to their persons. I have proved formerly that such power could not be, *εἰ μὴ ἀπὸ Θεοῦ*, unlesse it were of God; the people could not dispense with divine precept, *non occides* thou shalt not kill.

The powers that be, are *τεταγμένα*, ordained or ordered of God. This is his ordinary providence, by which he hath thought fit to governe

governe the world, and we must submit to it, till he declare his will to the contrary; nothing can take off this obligation but expresse revelation. And wee have some new Enthusiasts, who are going on to this height of fury, Me thinkes it should startle all good men, to see some interpretations of obscure prophecies out of *Daniel* and the *Apocalypse* call out to justifie the breach of plaine duties.

Whosoever therefore resisteth the power, resisteth the ordinance of God;] Here is faire warning, take heed what ye do, you have a terrible enemy to encounter with, it is *Θεομαχία*, a fight against God, You cannot flatter your selves with a prosperous issue, for those which resist shall receive to themselves damnation.

Against that distinction of the authority from the person,

Lest any should bee so miserably besotted with a senselesse distinction (at it is misapplied by them) of the authority from the person, as to incurre the danger of this fearfull commination, he joynes them together and uses them promiscuously, and in the prosecution inforces that, by mentioning the persons, which before hee had attributed to the powers. Whosoever resisteth the power, resisteth the ordinance of God, and they that resist shall receive to themselves damnation; it immediately follows. For rulers *δὲ χροῦς*, not *δὲ χαι*, are not a terror to good workers, but to the evil. Then he comes to the authority againe, wilt thou not bee afraid of the power? doe that which is good, and thou shalt have praise of the same; For he is the Minister of God to thee for good, there he concludes with the person.

Observe with what vehemence he repeats this duty, though fully delivered before, as if his mind misgave him concerning these rebellious times. *Wherefore you must needs bee subject.* A necessity is laid upon us, and woe unto us, if we be not subject: wee have two powerfull motives, not onely for wrath, but also for conscience sake. As for feare what the Prince may (for rebellion seldome prospers; Traitors are unfortunate gamesters, though they win at first, they are most commonly terrible loofers in the close) so what God will inflict. You have his word for it, you are damn'd if you resist.

Though Rebels should get the start by seizing his ammunition, Forts, and Ships, and you have cause to thinke your loyalty will

will disadvantage you, when a King is in sight too weak; yet be wary what you doe, God oft times raises up strength to him, beyond mans expectation, and the event shewes, those which continue honest are most truly wise. The heads of the rebellion shall be brought to condigne punishment, and their memory be odious amongst all good men. 'Tis true, to bee subject to present plunder is a strong temptation against duty (yet upon a generall survey ye shall find they take not much more from their enemies, then they force their friends to give; they have no great reason to brag of being favers, it hath cost them very round summes to loose their soules.) But yee see how much the King indulges to this fearé (I know not whether God will pardon so easily, for if feare of loosing by being honest be a good excuse for neglect of duty, hopes of gaining by playing the knaves may as reasonably be pleaded) so unwilling is he any should suffer for his sake. How often hath he beene pleased graciously to forgive, upon that easy excuse, they did not dare to be his friends; that is, they were his enemies, not out of spight and malice, but onely for their owne advantage; and he is content, not any should loose for him. O let not his goodnes move you to have a hand or purse in the evils which are brought upon him, and the whole land. Betray not your bad tempers so farre, that it should appeare you will do more for feare then love, lest your base natures may induce hereafter a stricter government, when experience doth demonstrate the worst masters have the best servants. Let not his lenity, which doth deserve to find friends, be the onely cause he hath so many enemies. If I must direct my speech as unto cowards (for you have no excuse for disloyalty, but your feares) consider with your selves, how God hath blessed his servant with three potent and successfull Armies (all of them raised with such disadvantages, as they clearly speake an immediate providence giving testimony to the sincerity of his many sacred protestations) beside many hopefull Seminaries in divers Countries, and thousands of gallant Gentlemen, and brave spirits in other Shires, now unfortunately situated (*O tristi damnata loco*) who wait for an opportunity to revenge their tame suffering hither-

God is to be reckoned of the Kings side, who will overbalance their greatest for-
cies.

to, and the unworthy usage from fellow Subjects. If notwithstanding all this you could unreasonably flatter your selves with being the stronger side, yet you have juster and grater feares elsewhere, which ought to give Law to your cowardise, which hath betrayed your alleagiance. For what would it profit you, if you should save your houses from being plunder'd (though this is the most probable way to hazard your estates, which are forfeited to the King, cannot be escheated to them) and loose your soules, for which the whole world is but a bafe price? There is evident danger in fighting against the King, but the Apostle threatens certaine destruction, because you fight against your owne consciences.

Their severall exceptions and corrupt glosses by which they endeavour to avoyd this plaine obligation of *non resistance*, I shall meet with, in the fourth section.

*The duty not
to resist, pro-
ved further
by the practi-
se of the
more in-
nocent a-
ges of the
Church.*

The practise of primitive Christians, is a faithfull commenta-
ry upon these texts. And certainly their authority, (who wit-
nesse to their owne disadvantage, teaching submission though to
tyrants, under which they cheerefully suffered according to
Christs example) ought to prevaile with us above any moderne
Writers, who have broached a doctrine (very seasonable for
some places and occasions, but unknowne to those innocent
times, when Christianity thrived upon suffering, and gained as
much by patience, as it is likely to loose by stubbornnesse) that
it is lawfull for inferior Magistrates, say some, (and this from the
fundamentalls of government;) for the people, others, tells us,
(and this from the law of nature (to right themselves by force, if
the supream Magistrate deny to doe it, and so faile of that trust,
which was committed to him, for the good of others. These princi-
ples lately taken up, open a faire way for advancement of pri-
vate ends, by disturbance of publique peace, either upon reall
(which oft times are) or at least pretended faults in governours,
vvhich shall never be vvanting, vvhist there are ambitious men
vvho vvant preferment, and desire to have vvhat others are pos-
selt of, and make it a reasonable cause, to endeavour innovati-
on, because they may be bettered by the change. In vvhat an
unhappy State doe vve live, if such a number (upon pretence vve
are

are not so well governed as we might be; that is, they have not so great a share in the government, as they could wish for, and since the greater part can never be satisfied, we cannot hope for peace and quiet) shall be enabled to force the King to recede from lawes, and in the roome of those knowne and standing rules, to give us uncertaine temporary ordinances.

The Emperours were (for the most part) very bad, but especially to the Christians they were hard Masters. Though the Romans counted it the highest gallantry, to shake off the yoke when it galled them, and did oft rebell in the cause of liberty; (and it is a sad thing that this Pagan bravery should be preferred to the tamenesse which Christ enjoined to his followers; of all good actions the murder of tyrant is most commendable, sayes one. Euseb. Philad. dial. 2. And Buchanan thinkes it a defect in policy, that rewards are not allotted for such meritorious deeds) yet the Christians could never be tempted by their greatest sufferings to joine in any conspiracy. Tertullian professes their innocency, and he is to be looked upon in this case, not as a single witness, but as one that wrote in the name of all; his Apologetique is the sence of the whole Church. Wee may be confident of the truth; because it was a matter of fact, and we have no reason to suspect he could be so vainly impudent as to present that in their justification, which must be evidently convinced of falsehood. He makes a bold challenge, and desires them to produce if they can one example of any Christian taking part with rebels. Such as Cassius, Niger, Abinuu, Cleander, Eliu Letus, the Pretorian souldiers (who murdered Perinax) Stephanus, and Paribenius were. It is manifest these were not traitours out of wantonnesse, there were just grounds for heavy complaints under Domitian, Commodus and Septimius Severus, all bloody tyrants. Yet the Christians were better catechised, then to thinke resistance lawfull, vvhhen they were oppressed by those vvhose duty it was to have protected them. Their unanimous confession is, *nos iudicium Dei suspicimus in imperatoribus, qui gentibus illos prefecit.* I shall give you the sence of it at large. Wee kisse the hands, vvhich vvhound us; though they have not any cause to doe such things, yet there is

too much cause why we should suffer them, we must acknowledge our sinnes towards God, and he may punish them in what way he thinkes fit. Wee cannot deny, but we have deserved as great afflictions, and shall we, who are guilty bee stubborne, when patience is required, though we were most innocent? The example of Christ is made our law, and in him no sin was found. We cannot suffer more, nor boast lesse demerit. If wee did seriously consider it, wee could not hate the worst governors, for we have no reason to be angry, because they do things to our advantage, and certaine it is, if we submit with patience, their sins further our salvation, their faults encrease our glory. What pittie is it, they should goe to Hell, for that which procures us a higher place in heaven? Nay, what uncharitablenesse is it in us, to cut them off in their sin, and so send them thither? And it is a sad meditation, to think that wee shall follow; because we could not indure their company here, we take a course to live together eternally miserable.

Cyprian inforces this meeknesse with excellent reason. God (saith he to *Demenian*) is the revenger of his injur'd servants: in which this argument is implied, Vengeance belongs unto the Lord, and except we can produce his Commission, our private justice will damne us; *animam in vulnere*, in our enemies wounds our soules will bleed to death: 'tis madnesse to strike, when we are certaine the blow will recoyle to our eternall destruction. Therefore the Apostle commands, as we wish well to our selves, to recompence to no man evil for evil, *Rom. 12. 17.* Selfe-love is the motive why wee should not hurt others. Hee exhorts by the naturall affection which is due to our selves, not to *avenge our selves*, *μη ἐαυτὸς ἐκδικῆσθαι*, but rather to give place unto Wrath; *vers. 19.* The wisdom of God hath introduced an excellent temper in government, and such as the sence of great evils prevailed with men to esteeme very good, and confirme it by their lawes. *Henorim* and *Theodosius* tell us, *judiciorum vigor, jurisque publici tutela videtur in medio constituta, ne quisquam sibi ipsi permittere valeat ultionem.* That of *Clandian* is true in this sence also:

Qui fruuntur pœnâ, firmus est.

Injur'd

Private revenge unlawful.

SECT. II. Taking up Armes against their Souveraigne.

53

Injur'd men are over-passionate, and easily tempted to cruelty.

*Amplius ex ira quod enim se quisque volebat
Ulcisci, quam nunc permissum est legibus equis,
Idcirco est homines perasum vi colere avum.*

Upon these considerations God hath made revenge unlawfull, and beside this obligation of divine precept, our hands are tyed up as strongly as faith of promise can do it. This Covenant knits society, and cements the civill body. Though we do not onely fancy grievances (as the world is full of such mistakes) though wee are really injured, yet it becomes injustice to right our selves. All the accompt we can give at Gods Tribunall, is onely this, we did not sinne first. And this plea will afford miserable comfort to be damn'd after another. That none might be tempted to strike, because others hands are bound up from returning the blow, God hath appointed a middle-way to deterre men from doing evill, for feare of suffering it in as high a degree. For *Tertullian* sayes true, *disciplina interest, injuriam vindicari. Metu enim ultionis omnis iniquitas refranatur.* The fountaine of our actions is the opinion we have of the good or bad, we shall receive by them; if they appeare certainly hurtfull, and that we shall suffer by so doing, wee most commonly forbear, I doe not say alwayes, becaule the will my thwart the understanding, else it were not free, and experience sheweth, that sometimes a lesse good present, doth overweigh a future, though certaine greater evill. God will judge our cause, and revenge us upon wrong doers; but he performes this not immediately but by his Magistrates. Hee delegates his authority to them, and Saint *Paul* proclaimes their Commission in these words, *There is no power but of God. Quicquid per officarios facit, per se facere videtur*, what they doe are legally his acts, we have not right to reverse them by a strong hand. If an inferior Magistrate gives false judgement, God grants a liberty of appeal to him in a higher Magistrate, if he confirme the former unjust sentence, it is lawfull to proceed by way of appeale, till we come to the highest; but then because God hath appointed a peaceable end of controversies, we must sit downe with the present losse, being fully assured God will judge this

Judge; we shall have another day of hearing in Heaven, and all damages shall be amply repaid. If we did beleieve this, our unnaturall divisions would cease; that is, if we were truly Christians we would not doe as we have done, we could not resist the highest power. I have warrant to say it, *Here is the patience and faith of the Saints*, Revel. 13. 10. they beleieved, therefore they suffer'd.

Upon such consideration Cyprian grounds the duty, and shewes the practice of the Primitive Christians was very consonant. *Inde est quod nemo nostrum, quando apprehenditur, reluctatur: nec se adversus injustam violentiam vestram, quamvis nimis & copiosus noster sit populus, ulciscitur.* For this cause not any one of us doth make resistance when you apprehend him, nor revenge your unjust violence: *Patientes facit de securâ ultione securus.* God is able to reward our patience, and to requite all our sufferings. If we tooke delight in the misery of our persecutors, we might bee abundantly comforted. But alas, we pitty them, and grieve more for their deplorable condition, then our owne torments. God will avenge our innocent blood more severely, then any good man can wish for. *Tertullian* expresses the same in his eloquent manner. *Satis idoneus patienti, sequester Deus est.* Our goods are not taken away, they are sequestred for our benefit, and intrusted in safe hands: God keeps them for our use and will returne them with ample increase. *Si injuriam deposueris penes eum, ultior est,* if you will not fight, he will undertake your quarrell, and you need not doubt but your enemies will be soundly worsted; *Si dolorem, medicus est,* your wounds shall save you, *Si mortem resuscitator est,* if you fall a Martyr, you shal rise a Saint. *Quantum patientia licet, ut Deum habeat debitorem?* What cannot our sufferings doe? they make even God our debtor; he owes us heaven for our selves, and he owes us Hell for our enemies, but we breath out our soules in prayer, that he may be intreated not to pay this.

The Example of the *Thebane* Legion commands our imitation in the like cause. It is one of the noblest passages in all the Ecclesiasticall story, wherein Christianity did shine forth in it's full lustre, and it affords plentiful light for our direction. This band

band consisted of almost 7000 men, all Christians. When the Emperour *Maximian* commands the whole Army to offer Sacrifice to false Gods, they remove their quarters, they might avoid (if it were possible) this occasion, of discontenting the Emperour. He summons them to performe their parts in this devilish worship. They are forced to returne an humble deniall, and their resolution not to disobey God, for whose sake they had ever bene and would continue faithfull servants to him. The Emperour unsatisfied with this answer, puts them to a decimation; They submit with much cheerefulness, and dy praying for their murderer. After this sad spectacle his commands are renewed, but prevaile nothing upon the remainder. Wherefore they also are butchered without the least resistance; There was no delay in their death, except from the wearinesse of the executioners. This was truly to confesse him, who was led as a sheepe to the slaughter, and like a lambe opened not his mouth, and they a flocke of his folde, were quietly devoured by ravening wolves. The Commander of this Regiment, *Maurice* could not containe his joy, when he had seene the first dicimation gallantly suffered. How fearefull was I, sayes he to his surviving souldiers, (for armed men may be tempted to defend themselves) lest any of them upon colour of just resistance for selfe preservation in an innocent cause, should have strugled against this blessed slaughter! I was watchfull, and had Christs example in readinesse, who commanded his disciple to put his sword into his scabbard. *Salus vestra non periclitabitur, nisi vestra arma*, if you use not your weapons, I have Gods owne warrant for your safety.

Despaire it selfe could not conquer one single patience, which yet creates valour in cowards, and makes them more couragious in such extremities, because they are fearefull; Since they are likely to endeavour most to preserve life; who are most terrified with death.

It would be more wearisome to me, then delightfull, or profitable to the Reader, to enlarge my proofes by that plenty of authorities, which offer themselves in the ancient Fathers and many Councils. The truth is, the labour is needlesse, their practise

is

Not want of
strength the
cause of their
patience.

is so evident, that the greatest friends to Rebellion, will not betray so much ignorance as to deny it. They are forced to grant that they doe such things, as those great lights of the Church, those holy men, though infinitely more oppressed then they can pretend to, durst not venture on. Thus farre we both agree. But why durit not? Here they shew themselves; not because to resist Tyrants would have beene a wicked, but a vaine attempt; *vires deerant*, they were not able to go through with a Rebellion; whath the Heathens admired as *extraordinary goodnesse* (many of them being converted by this religious confidence, reasonably concluding, men that approved themselves very prudent in all other matters, could not bee guilty of such madnesse as to die thus, unlesse they had good hopes to bee recompenced in another life) these fomenters of strife call *Weakenesse*, to the unspeakable scandall of such as have a true sense of godlinesse. It is an insufferable blemish to their innocence, and stains the pretious memory of those blessed Martyrs. If this were indeed true, that they wanted not *will*, but *power* to destroy, wee can hardly blame their persecutors, who thought it *wisdom*e to prevent the blow by striking first: it seemed but killing the Cockatrice in the egge; they had small encouragement to cherish frozen Serpents in their bosome, who when they had recovered warmth and strength, would dart their poysonous sting at their preservers. Certainly they had an extraordinary confidence they should prevail, else they would never so openly have discovered such principales, and instructed States to provide better for their security hereafter, by utter disabling them to do any hurt. These men cry out against *Poperie*, and yet professe what all good Protestantes esteeme the most malignant part of *Jesuitisme*. If this evasion will not hold, they know not what to say for themselves, and it may clearly bee convinced of falshood. For this very objection is made by the Ancients, and answered to our hands by themselves. So carefull were they that posterity might not mistake their *goodnesse*, and thinke it nothing else but an *impotency* to do evill. The Fathers speeches, which witnesse sufficient strength, if religion had not tyed their hands, cannot bee imputed to any overreaching,

reaching or lying to gaine reputation to their sufferings (as Mr. Goodwin insinuates in his Anticaval. and we shall anon take notice of it) our enemies would bee extremely glad to see their owne art thus credited. But wee have no reason to conceive them so impudent, and wee may bee certaine, they were not so mad, as to face downe the Emperour, and their other potent adversaries (who would make great advantage of their so manifest untruths) by affirming what they must evidently discerne false, and could not choole but see the contrary.

Cyprian saith expressely, *Quamvis nimis & copiosus noster sit populus*, though we have competent forces more then enough to do the businesse, yet we wrestle not with our oppressors, &c. The Theban Legion was in a posture of resistance, but they durst not lift up those hands into which the Emperour had put weapons, against his personall commands, though most unjust, most bloody; six thousand six hundred, and sixty six men of such extraordinary valour, as did not entertaine the least feare of death, might probably have conquered (and this cruelty might have increased their party by the defection of malecontents) but they must certainly have made some sport for their lives, they could not have wanted that comfort, which to some taste is beyond the pleasure of life, to die revenged. Besides, had not the Emperour and his under Princes known them true Christians, and beene acquainted with the tamenesse of that profession, towards the highest povver, he would never have hazarded a rebellion by making so considerable an army desperate.

I will conclude this with *Tertullian*, who argues very handsomely, after he had spoken to this tence; wee are so numerous you can hardly see one another for Christians, *cui, inquit, bello non idonei, non prompti fuissetus, etiam impares copis, qui tam libenter trucidamur?* Though wee had not the advantage of number, Which yet you perceive wee have, *numeri damnum virtus pensares*, courage would supply this defect, and though fewer, since wee contemne our ovne lives, wee might be masters of yours. We could undoe you, not if wee should rebell, but if wee would be idle; wee do not fright you so much, as to desire

you, to fancy us fighting against you; you were lost if wee did not fight for you. What would become of you, if we should turne *Separatists*? *Si tanta vis hominum*, if such multitudes as wee are should breake out from amongst you into any corner of the world, your Empire would sinke for want of strength to support it. Your Cities would seeme deserts without us, &c. In that thin remainder you would have many enemies, though but few men. Even now they would rebell, if they were not awed *multitudine Christianorum, pane omnium civium*, by those multitudes of us, who are of some ranke, almost all of us Citizens, and almost all the citizens are of us. Our example invites some to obedience, others feare our readinesse to be commanded to reduce them to due subjection. In *Apologetico*. I may adde his other speech in the same place, *vestra omnia implevimus*, we have filled your Cities, nay *castra ipsa*, your very camps would be empty without us Christians. It is not possible to bring in more expresse, more clear testimoies in any matter, it is too probable such as have made a search, are blinded with interest, and shut their eyes that they may not see this truth. I know not how to excuse *Bellarmino, Alane, Ficlens, Simancha, Buchanan, Hottoman, Knox, Bruni*, for these were schollers; and therefore not so likely to be deceived themselves in such an easie truth, as upon designe to deceive others. But I have a more charitable opinion of most of those men, with whom wee have to deale, though some have discovered plenty of malice, yet they are very few, of whom we can say, *ad evertendam rempubl. sobrii accesserunt*. Some are *Enthusiasts*, and mistake their owne fancy for the Spirit, and the greater part do this mischief out of ignorance, drawing out of broken cisterns, the seditious writings of the *Roman* and the *Reformed Jesuites*, and transcribing one another, and so are taught and teach to despise dominion, and speake evill of those things which they know not.

S E C T. III.

I Make no question the proposition is now evident, that the supreme power in any State (let it be where it will, somewhere it must be, for else it were an Anarchy, and no government) ought not to be resisted. This makes rebellion sin, as transgressing divine and humane lawes. In the next place, for the perfect direction of conscience, wee must examine, in whom the supreme power is placed; a mistake in this is as dangerous, as an error in the former. For as zeale, which is not according to knowledge, is impiety; for though it have the heat, it hath not the light, which is required to true devotion; so the most scrupulous obedience is but humble rebellion, if it be misplaced, and yielded to fellow Subjects against him who hath *jus regnandi*, the right to command them. Thus in an Aristocracy to aide one man against the Senate, is Treason against the State, and in a Monarchy (because the constitution is different, and places the supreme power in one) to aide the Senate (of which that one is the head, and opposed to him, they are but a livelesse trunk in order to those things to which his influence is necessary, *Forseſcne* warrants the expression, *sine capite communitas non incorporatur*) against the Monarch and supreme Ruler, is rebellion and treason against the State. The Assumption therefore shall be:

Most necessary to know the subject of Supremacy.

The King of ENGLAND hath this supreme power.] When this is proved, the conscience must take leave from this necessary Inference, therefore it is unlawfull for Subjects to hold up armes against the King of England: Because as it is an absurdity in speculation, so it is sinne in practice to deny the conclusion; there they offend against Logique, here against Religion also. For whatsoever is not of faith, that is, not of judgment, whatsoever wee doe against our owne reason, and the light of conscience, is transgression.

The matter of this Discourse is of high concernment. For as things now stand, on it hang Heaven or Hell, our salvation or eternall damnation. If the King be the highest power, you are

bound to submit to him, but if you have new Sovereignes, if your fellow Subjects are become the Lords anointed, there may be some colour of justification. Except this be proved, you are altogether inexcusable, as appears in the last Section, and therefore it will behooe you to hearken to *Solomons* advice: *My sonne, feare thou the Lord and the King, and meddle not with them that are given to change. For their calamity shall rise suddenly;* Prov. 14. 21, 22.

*The Kings
Supremacy
witnessed by
our Oath.*

Certainly, unconcerned men will thinke I have undertaken no very difficult task. If I can but perswade the Kings adversaries, they have not forsworne themselves, I shall recover them to due obedience (but I must tell them, if they were not perjurd in taking the Oath of Supremacy (not to mention now that of Allegiance) they are so in breaking it) The words are so expresse, that not any colourable glosse can be invented, to excuse the violation of this solemne Sacrament. [I, A. B. doe utterly testifie and declare in my conscience, that the Kings Highnesse is the only supream Governour of this Realme, and of all other His Highnesse Dominions and Countries, as well in all Spirituall or Ecclesiasticall things, or causes, as Temporall, &c. I doe promise, that from henceforth, I shall beare faith and true allegiance to the Kings Highnesse, His Heires, and lawfull Successours, and to my power shall assist and defend all jurisdictions, priviledges, preheminences, and authorities, granted or belonging to the Kings Highnesse, His Heires, and Successours, or united and annexed to the Imperiall Crowne of this Realme.

So helpe me God, and by the Contents of this Booke.] It hath beene replied, That this Oath is taken in opposition to the Pope, to exclude the Supremacy usurped by him for many yeares. They speake truth, but not all the truth; for there are two parts in it. One, negative; by which wee professe, that not any forraigne State, or Potentate, nor the Pope hath this power. The other positive, by which the Subject of this power is specified. *The Kings Highnesse is the onely supream Governour of this Realme*, as in all Spirituall things, and causes, so likewise Temporall. Both Ecclesiasticall and Civill supremacy are here asserted to be in the King. It was not thought sufficient to tell who was not Supream,

Supream, but they declare also who was. When we had truly
 sworne the Pope out of this Kingdome, what necessity was
 there to make the people perjur'd? For certainly they for-
 sweare themselves, who solemnly testifie and declare in their
 conscience, That *the Kings Highnesse is the onely supream Go-
 vernour*, if the meaning of those words be onely this, that the
 Pope is not: It concernes us as highly as our Soules are worth,
reddere iuramentum domino, to performe unto the Lord our
 Oath, and not to lift up those hands against the King, which
 were layd upon the holy Gospell, in witnesse of our submission
 to him *as the onely supream Governour*. What desperate malice
 is it to expose our Soules to every Musket shot? If wee fall, we
 perish eternally. This sad contemplation, that wee stand on
 the very brinke of Hell, ready to be turned into the Lake of e-
 verlasting woes, by every sword, every bullet, vwill smite our
 hearts, and make our armes feeble in the day of battaile: What
 confusion & amazement and horreur of conscience must needs
 seize upon all considering mee? Think upon the heinousnesse of
 parricide, to murder a Father, is a sin greater then any one is
 able to beare: But to spill the blood of our Souveraigne (which
 they have done, who fought against him, for it is murder in
 Gods sight; his goodnesse in protecting his servant, doth not
 excuse their sin in endeavouring to destroy their King) whom
 God commands not to touch, and whose life vve have sworn
 to defend *with the utmost hazard of our owne*, and vve have desired
 the Lord to revenge it in our destruction; if vve doe otherwise,
 is of a much deeper dye. For the King is *Pater patria*, a com-
 mon Father to all without a Metaphor: what ever power Fa-
 thers had *over*, and consequently whatsoever honour as an ef-
 fect of this power, vvat due to them *from* their children, he hath
 right to challenge the same of all. And though vve should joyne
 together, and call our selves the Common wealth, we can no
 more lawfully disrespe^ct, give law to, resist upon hard usage,
 or say he is lesse honourable then all we, then children by agree-
 ment may dispense with their duty to their parents. It was our
 owne act which united all particullar paternall powers in Him,
 and that thele are truly transferred, and now really in Him is

King hath
 paternall
 powers from
 consent of
 the people.

very evident, because else we should be bound to obey our Fathers commands, before those of the King. For divine precept stands in full force, *Honour thy Father, &c.* and therefore we must confess, *iam pater nemo est in terris*, he that begot us is not so much our Father, as the King is. It may be fit to take notice here, that the supreme power of a State, hath by our particular deeds and common agreement, as much right over, not single persons onely, but the whole body, as every Father had over not this or that child onely, but his whole family: and as he cannot be said, though *major singulis natis*, yet *totā prole minor*, so neither a King (if this power be placed in one, which is essentiall to a Monarchy) *minor universis*.

He hath
power of a
higher nature
from Gods
grants.

Though a Monarch hath greater right, and larger power, then even all the people could bestow upon him, for he hath *potestatem vite & necis*, and this Fathers have not now over their children, over themselves; it can only come from him who hath dominion over his creatures, and therefore the people must looke upon him, not only as their owne, but as *Gods representative*; yet to say nothing of this, and to deale liberally with our adversaries, by supposing (though I cannot grant) their principles true, concerning the originall of power being in the people, I can demonstrably convince them, by most plaine and evident deduction from their owne scheme.

I tooke this method in my *Answer to the Observations*, that by joyning issue upon their owne grounds, I might put a quicker end to the debate. It would have required more time to shew at large, *The Kings power was from God* (which was proved in brieve, and there, as is this discourse, it is acknowledged to be restrained by His own or His Progenitors grants, *potest enim Rex vim regni minuere*) and so of much higher nature then the contribution of popular Votes could raise it to; it was abundantly sufficient, to prove that *the people have not any legall power against the King*. The former is built upon this pillar, *nemo dat, quod non habet*; the power of the Magistrate was not in the people considered severally, and before civill society, and in such a State, as the *Aborigenes* are described by *Salust*. *genus hominum agreste, sine legibus, sine imperio, libe-*

rum atque solutum, a multitude: not a nation, and certaine wilde routs, without Laws, without Empire free to doe or suffer wrong, and loose from all positive obligations. Not any one having *jus gladii*, a right to take away the life of man, it followes they could not bestow it upon another, for what is not, cannot be alienated. And therefore the supream Magistrate hath more power then the whole people, and is *vice Deus*, Gods Vicegerent. Let them take heed how they call Gods Minister the peoples Servant; God hath taken especiall care the Magistrate should be honoured; and respect is due, as to his, not the creature.

The latter, that the people have not any legall povver against the King, is as firmly supported by another pillar, *nemo habet, quod dedit*. Suppose the originall of povver in the people, or as they love to speake, suppose them the efficient cause of povver, which cannot bee but by giving to one man in a Monarchy, to a Senate in an Aristocracy, a right to use their divided strengths. Since therefore they cannot retaine, what they have parted with; nor have what they gave away, hee which hath all their power (I may adde his owne particular besides) must needs be greater and more powerfull then they. The truth is, he is (in a Monarchy, and they are in an Aristocracy) the only fountaine of all power and justice. Answer to the Observat. pag. 10. This is as certaine, as that there are some governments besides Democracy, for it is essentiall to them: what is that which makes Anarchy except this, that every man hath right to doe what he will, in reference to any nationall Law? The only meanes to avoyd, this confusion, is to resigne up this hurtfull liberty; (which is very prudently done upon choice, but necessarily upon conquest) if it be given to one, wee call that State, Monarchy; if to few, wee call it Optimacy; if to very many, who rule by turnes and are elected by the people, wee call it Democracy. There cannot bee any other ground to difference the formes of Regiment.

Demonstration from the difference of formes of Regiments.

Hence appeares the weaknesse of those discourses, which have no other strength then the impossibility that the people can make one greater and more powerfull then all they (which is understood not of their naturall, (this cannot bee past away

to another) but politique strength, that is, the right of using their power, this may be, and is parted with, (except the Government bee a Democracy) because *Quicquid efficit tale, est magis tale*. The reply to the *Answer to the Observations*, confesses my argument, concluding, if it were true that the people had parted with their power, pag. 6. upon this the determination of the whole controverſie depends, and that it was rightly stated by mee, will evidently appear, because unless the people have resigned up their power, the Author can never shew how this State is a Monarchy. It doth not alter the case, that the King hath restrained himselfe from the use of this power to some purposes without their consent, as for making new lawes or raising money; for this limitation only makes such acts illegal, but doth not returne any power into them, whereby they may be enabled to raise an Army, or to oppose the *Militia* of the Kingdome against him, to compell him by strong hand to governe according to law. If the subject of this power be the people, who may meet together and lawfully determine (for though he resolve all into the two Houses, yet if he follow the consequences of his owne principle, he must goe thus high) what they fancy conducing to their own safety, wee are cleerly false back into Anarchy. To avoid this confusion, the Author places it in their representatives, but it will come to the same thing by undeniable deductions from his owne grounds. For the same arguments which are made against the King, equally conclude against the two Houses; since *Quicquid efficit tale, est magis tale*, and that they are intrusted for the common good, may bee equally applyed to them, and then King and Lords, and Commons are Voted away at the pleasure of the multitude.

Arguments brought against the King, conclude as much for the people against the Parliament.

The summe of his Book is, that the people retain their power, and therefore may make resistance, in case hee governe not according to law, and hee is responsible for such breaches; The proofe is, Hee is intrusted for their good, and there is a mutuall covenant betweene King and people, and this violated by him dissolves the compact.

I have in this Discourse punctually examined these and what farthe

farther gounds of scruples I could finde in the replyer, as will appeare more fully in the following Section. Being to answer so many, I would not trespasse upon the Readers patience by an exact view of his particular mistakes, which might have beene confuted with great ease, but with no great advantage to the cause, to which I have spoken more closely, and as fully as I was able.

I will discover to him one desperate consequence from his principle, which it concernes him to blush and repent for. *There is a mutuall Covenant betweene King and People, and the breach of it dissolves the compact*: if so his Crowne is forfeited, and he ceases to be King *de jure* upon such violation, which he is now charged with, (because they could not have any colour for taking up Armes, but upon this pretence.) Therefore the plaine conclusion is, it is no want of duty in them, though they depose him, for it is no injury to take away, what he can challenge no right to: his claime was by vertue of compact, which is dissolved by his not standing to conditions, and so the bargain is unmade, the bonds of allegiance are broken asunder. The Houses have laboured to cleare themselves from this wicked doctrine, by telling us the deposition of the second *Edward*, and *Richard* was not to be numbered amongst the presidents of Parliament, and that no free Parliament ever attempted the like: and yet a private man dares publish such manifest Treason. I am perswaded that the Author, supposing a breach of covenant of His Majesties part, and then telling us such a breach dissolves the compact, was not fully apprehensive that this pernicious principle unkins his Souveraigne. When he sees his treasonable error, he will finde, that Logick ill managed is a more dangerous weapon, then a sword in the hands of mad men.

To returne to further proofes of the Kings supremacy; That which makes a State one, is the union of supream power, and this according as it is placed in one or more persons, gives denomination to the forme: so that all those Acts of Parliament which confesse this a Monarchy, are so many solid testimonies of the Kings supremacy.

Kings supremacy further proved.

The Answer is, *Though this bee demonstrably true in an absolute*

late Empire, yet it concludes not in a mixt Monarchy.

The true
meaning of
that which
is called a
mixt Mo-
narchy.

I am very confident a mistake of this *mixt Monarchy* hath engaged many well-meaning men against the King, to the overthrow of our Lawes, which the simpler part are perswaded they fight for; *Honestâ voluntate rebelles sunt*, there are some who contribute their forces to destroy this Kingdome in behalfe of the Common-wealth, and they are so farre deceived, as to be made unhappy instruments to advance private interests with publique hearts. And therefore it will be necessary to discover their *error*, by which their unfortunate Country hath suffer'd as much, as by the faults of others.

They have not any shadow of excuse to countenance their Rebellion from this distinction, unlesse *mixt Monarchy* doe signifie either that the people in their diffusive body, or by their representatives have a greater, or at least an equall power with the King. The reason of which is, because inferiours by the acknowledgement of all, have not any jurisdiction over superiours: and equals though they have not *imperium*, right to governe, yet if in iur'd and they require satisfaction, and upon denyall of it, attempt to compasse it by force, they are esteemed by the Law of Reason and Nations, *just enemies*: whereas Subjects, if they make warre upon their Sovereigne, though when wronged, are worthily accompted Rebels. *First*, the diffusive body of the people hath not greater, nay, not equall power with the King, because they have not any legall way of expressing themselves. Our Lawes determine it Treason to enter into any association, or raise a Warre without the Kings consent, and much more against his expresse commands. *Secondly*, the representative body hath not greater nor equall power with the King. The same argument overthrowes their claime, for the people cannot authorize them to doe, beyond what themselves were enabled to, therefore if actions of this nature were unwarrantable in the diffusive body, they are so in the representative. It may be not unfit to observe, that the representative body is the *people* onely to some ends and purposes, whereto they were intrusted by them according to Law, and therefore no illegall ordinances, (such as all those are, which the King

denyes

Representa-
tive Body is
not the Peo-
ple to all
purposes.

denyes to ratifie) ought to be called, the Acts of the people: They are no more concerned in it, then if they should take upon them contrary to Law, to stampe and coyne money with the inscription of *Senatus, populusque Anglicanus*, or to send Ambassadors, or denounce warre against, or enter into a League of friendship with forreigne Princes, or bestow the great offices of State, or dispose of Wardships, or take to themselves a power to raise Armes without His Majesties consent. *Again*, because they represent the people but to some purposes onely, though their principles were firme, (as they are extreamely weake) that the King is lesse then His Subjects *conjunctim*, and that they collectively are more honourable then He, &c. yet they bring not the conclusion home to the two Houses. Because it doth not appeare, and they had no reason to take it for granted, that the two Houses (which they call the Parliament) are the people in this consideration. A Jury is the representative people, (as experience teaches, and we may finde it in Sir Thomas Smith, l. 2. c. 25. The legall answer to that interrogatory, *How will you be tryed?* is, *Dei populiq; judicio: by God and my Country*; and the Clerke of the Sizes replies, *Ecce tibi hi prohi viri populum representant*) and the Sophistry would be easily discovered, if we should argue they are therefore more honourable, then the King. We may take notice also, that their arguments are onely capable of concluding for the House of Commons, (and if they follow the necessary consequences of them; they must maintaine the Lower, is above the Upper House) for the Lords sit onely in personall capacities, being inabled thereto by the prudence of our Lawes; which, thought it is reasonable they should have as great a share in the government as a negative voyce came to, because they enjoyed such ample revenues, that they were likely not to agree to any thing prejudiciall to the present settled State.

I shall prove more fully, in the next Section, that those who represent Subjects (and that but to some purposes, and not the King to any, for this would overthrow that fundamentall constitution of three distinct Estates) cannot be equall to, much lesse above their Souveraigne. And that groundlesse invention

which denies subordination, and introduces an unheard of coordination, such as creates *Regnum in Regno*, and rents this Country into distinct Kingdomes, shall be refused.

Since what is called *mixt Monarchy*, cannot give such a right as is pleaded for, that Subjects should be free to wage warre against their Prince, because this liberty makes two independent States, which are not compatible in one body, but would be as really distinct Kingdomes in *England*, as *Spaine* and *France* are; I will endeavour to declare the true meaning thereof. If we speake properly: there cannot be such a thing as *mixtum Imperium*, a mixt Monarchy, or mixt Aristocracy, or mixt Democracy. Because, if there are divers supream powers, it is no longer one State. If the supream power be but one (that is that authority unto which *Le dernier ressort de la justice*, the last appeale must be made, and against whose sentence though unjust, we have not any legall remedy) this must be placed either in one man, who is the fountaine of all jurisdiction, and then it is a Monarchicall government, or in some Nobles, and then the Regiment is Aristocraticall, and the sentence of the major part of them becomes Law to all effects, whether concerning our goods or lives, or if the civill constitutions of a State direct us to appeale to the people, this is an absolute and true Democracy. By a *mixt Monarchy* therefore (not to quarrell about words) nothing but this can reasonably be understood, that it is not *παμβασιλεία*, or *πανhellēs μοναρχία*, wherein the will of the Prince publicly made knowne, gives the Law, *Quodcumque Principi placet, legis habet vigorem*, but *βασίλεια κατὰ νόμον*, a government not arbitrary, but restrained by positive constitutions, wherein a Prince hath limited himselfe by promise or oath, not to exercise full power. This grant is of force, because any man may either totally resigne, or diminish his rights by Covenant. Hence it is, that in Monarchies all Kings have supream power, though they have not all the same *jura Regalia*, their prerogatives are larger or narrower according to their particular grants. For example, our Kings have retained to themselves the rights of coyning money, making great officers, bestowing honours, as Dukedomes, Baronies, Knighthoods, &c. pardoning all

all offences against the Crowne, making warre & peace, sending Ambassadors to negotiate with forraigne States, &c. and they have restrained themselves from the use of that power which makes new Lawes and repeales old, without the consent of the Lords and Commons in Parliament; as likewise from raising money upon the Subjects without their consent.

Some doe aske, *How are we the better, if we must suffer him to breake this Covenant as oft as hee pleases? it is the same thing not to have any Lawes, and not to have provision for the observance of them.*

First, I must tell you, this objection is answered by shewing there is a necessity that some body must be trusted. It is no discretion to prevent a possible mischief by probable inconveniences; if you will not trust one, you must trust more, that is, if you are weary of Monarchy (under which your forefathers enjoyed happy times, and experience cannot cezen you, though arguments may) you know the way to cast it off by placing so many guardians over your Prince, but have you any greater assurance then before? *Quis custodiet ipsos custodes?* They have as great temptations to faile their trust as he had, and it is likely being warned by such a president of deserting your naturall Prince, they may feare your inconstancy, and upon pretence, that you are subject to mistake; and because they suspect you may be willing, they will take such order, you shall not be able to call them to an accompt. But suppose this may not be, and that those who suppress Tyrants (or perhaps excellent Kings under that name) may not be frighted with their owne example, to make use of their present power, to exercise a greater tyranny; for it is not impossible they should grow jealous too, and tell you plainly, they have no reason to trust you. If you deny them money, here is ground of diffidence, your designe is to expose them to poverty, so to contempt, so to ruine. But suppose I say nothing of this, but that they will be secure amidst your jealousies, which manifestly endanger their safety; yet you will be forced at last to trust the giddy multitude, who are alwayes weary of the present government, because there are still some unavoidable defects, and these are discerned by

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sense and they have not such depth of understanding as to foresee greater mischiefs (which can onely be judged of by reason) and therefore are easily perswaded to attempt a change, so that your peace is built upon a very weake foundation; you have no better security against a civill warre, then that the greater part of the people will be discreet. If things prosper not according to their wishes, crafty men perswade them, the fault lyes in those who have the managery of the publique, and if these be not removed, and honest and wise men (meaning themselves) put in their places, their miseries will daily grow upon them. A generall accusation of ill affected, malignant persons, wicked Counsellors, is cause sufficient to out their supposed enemies of all preferments, and put their pretended friends in their roomes. This opens a gap to all confusion; civill warre, and most unnaturall distractions are the certaine issue of it. Our owne lamentable experience confirms this sad truth. After you had obtained a perfect confirmation of all your ancient rights and liberties, with a gracious enlargement of them by new grants, and with such security as your forefathers were not acquainted with, you are frighted with the possibility of a relapse. To prevent which, it was thought fit to take away the Kings power, with which our Lawes had invested him, as the necessary meanes for our protection, because it was not impossible he might use it for our oppression. Accordingly the Kings Navy, His Forts, Magazines, and the Armes of the Kingdome, are put into such as you would call safe hands. I doe not aske vvith vvhat conscience, but vvith vvhat judgement you did this? The vvant of prudence, vv as as great as that of honesty, What hath beene the successe of confiding in those vvhom the Lawes had not intrusted? Are not your sufferings infinitely multiplied? Are you not extreemely sicke of your remedy? The tables are quite turned, and your friends have undertaken the same bad game, and play it much worse; you onely make the stakes, and are in a probable way to loose all that you have. What one thing did you complaine of, which is not exceeded by them? Your grievances are highly improved

ved, *Magna Charta*, and the Petition of Right are now malignant, they speake not the sence of the House, but take part with the King. To quote our good and ancient Lawes, is interpreted a breach of Priviledges of Parliament; appeales are made to the people, the ready way to a universall confusion. And they according to private information, and mis-guided affections, did once passe this sentence, that to imprison without cause alleadged, and to deny *Habeas corpus's*, is no intrenchment upon the liberty of the Subject; to bestow mens estates by whole sale, and take away their Money, Plate, or Goods, doth not destroy the property of the Subject: To scorne and revile the Booke of Common Prayer, against an Act of Parliament, which severely punishes such contempt, and to supplant our established doctrine and discipline by countenancing Anabaptisme and Brownisme, conduces to the holy Reformation, and will in time effect that great worke, and settle true Religion. Thus much by the way, to shew that wee cannot have any absolute security; in all governments it is necessary to trust some body. For if wee should retaine a liberty to right our selves (not to mention the fatall mischiefes of Anarchy, and that it is probable this freedome would bee frequently abused to our wrong. selfe-love making men partiall in their ovne causes) the decision of controversies vould be writ in bloud, and vve should lay a fruitfull seed plot of civill vvarres, contrary to the end of society, vvhich is to preserve publique peace, though sometimes vvith private luffe; because though vve suffer some things by injustice, yet vve enjoy great benefits by common tranquillity, but in the ruine of the vvhole, the rights of single persons must bee destroyed. The hazard likewise appeares much greater, by inabling those to injure us, vvhom the Law hath not intrusted vvith our protection.

To answer their objection fully, vvho vould persvade the people, there is not any difference betweene arbitrary government, and government restrained by lawes, if Subjects may not compell their soveraigne to the observation of them.

Greater security vould undoe us. For though vvee suffer some-

sometimes under reall grievances, yet pretended breaches of our rights (which can never be wanting, as long as ambitious persons are discontented) would have the same influence to stirre up civill dissensions ; and it is a more prudent course , to oblige some to sit downe, though wronged, then to open a certaine way for Schisme in the body by indulging a most pernicious freedome of righting themselves. It was wisely said by Seneca, *Satiis est à paucis etiam justam excusationem non accipi, quàm ab omnibus aliquam tentari.* For Kingdomes are many times disturbed upon meere pretences. There are such who will set their country on fire, only to warme their owne hands by it, and trouble the waters, that they may the better catch fish; that is, who will pursue private interests with hazard of publicke destruction. He that doubts this, let him consult histories, and he shall find, it hath beene fatall to the best Princes to have the worst Subjects. I appeale to mens consciences whether they have not read, and perhaps seene, the reigne of a most gracious Prince, a Prince eminently mercifull, and just, branded with the odious name of Tyranny. And when malice it selfe cannot blemish his actions, when he is not so bad as they could pray for, (for they would have made great advantages, if they could charge him with personall vices, as unchast, intemperate, or negligent in performance of religious duties) yet craft hath done their businesse, and abused the peoples weaknesse so far, as to make them active in their owne ruine, by that wicked Art of declaming against evill counsellours. Of such dangerous consequence is it, to open a way to civill warre upon pretended miscarriages in government ! But grant, not fancied, but reall injuries, Yet

— *non tanti est civilia bella moveri.*

It is true, the people are then not so happy as they might be; but to make use of force, as a remedy, will encrease their misery. It is certaine, this Kingdome never suffered so highly under the greatest tyrant, as it hath already by this unnaturall warre : and who can tell, whether it may not end in a universall destruction ? If a King be forced to conquer against his will, who knows how farre he may be tempted beyond his naturall dispo-

disposition. It is a melancholly consideration, that a peoples perversenesse may change a gentle Scepter into a rod of iron. But if Subjects prevaile, wee can see no end of the warre. Forraigne nations will be powred upon this unhappy land, & there will never be wanting at home a considerable party (as long as there are either honest or discontented men) to fight for the regaining his hæreditary rights, to keepe whom in awe, our fellow Subjects will plead a necessity of being tyrants (I could wish it were not already acted upon us; first their will made necessity, and then necessity, makes their will the measure of right and wrong, and destroyes all law) their wants will give law to us, and imprison us upon bare suspicion of Loyalty, and seize on our estates for feare they may be honestly employed.

Thus we see a necessity of trust, and that we are bound not only in conscience, but in prudence also, not to revenge the not performance of it, I can further make it appeare, we have very good security (as strong as humane wisdom ever invented) that we shall live happily, and therefore we have no reason to robbe our selves of those great blessings which we lately enjoyed, peace and plenty, upon vaine feares and groundlesse jealousies of imaginary miseries. Our forefathers did not distrust the sound temper of this policy, and they enjoyed the benefits of it in a high degree.

First, the King, hath sworne to preserve our Lawes, our Liberties, our Propriety, and Religion; and hee desires God so to prosper him, and his, as he performes this Oath unto the Lord, who will require a severe accompt. Wee may make a highly probable conjecture of the sincerity of his royall heart, and the unfeignednesse of his many sacred Protestations from his miraculous successe. If God had not fought on his side, if the immediate hand of providence had not supported him, in mans judgment he had beene swallowed up.

Secondly, if he should command any illegall things, the executioners of them are responsable, and must make satisfaction to the injur'd parties. And they cannot flatter themselves with hopes of impunitie, for once in three yeares a Parliament will call them to accompt, and they have a great Democraticall ad-

vantage for the obtaining justice. Because the Kings wants cannot bee supplied without their consent, and it is very unlikely he will deny any reasonable petitions, or reject any desires but such as robbe him of his honour, which is infinitely deare to him above plenty; except they endeavour to make him worse then poore, (which cannot be by demanding justice) it is most probable he will readily assent.

Thirdly, His interests are the same with the Subjects. They are not like two buckets, when one is lowest, the other is highest, but they resemble the Head and rest of the Members, and the Head cannot thrive by a consumption of the Members. Illegall gainings from the people are shifts rather then true policy; they may serve a present turne, yet are not worth the price at which they are purchased, envy and discontents; whereas the gratitude of the Subject is a constant and cheerefull patrimony. When the King, like the Sunne, in consideration of what is drawne up from them, shall returne it in plentifull shewes, and the blessings of a just government, which makes a Land fruitfull.

Upon these grounds wee have very good reason to promise to our selves a happy government; our hopes are much above our feares, especially after his greater experience of the unfortunate consequences of some miscarriages, and the strange blessings upon his strict observation of the certaine and knowne Lawes.

They that require fuller information in the nature of this government, may finde ample satisfaction in *Stawford*, *Dyer*, *Crompton*, and *Sir Edward Coke*, That the King is the fountain of all justice, and consequently that the Lawes have placed the supreme power in the Crowne. I have chosen rather to shew it out of *Bracton*, a man worthily famous for his knowledge in the Civill and Common Law, because the booke is lesse common, and I finde his authority often abused to justifie their cause. *Sciendum, quod ipse dominus Rex, qui ordinariam habet jurisdictionem & dignitatem & potestatem super omnes qui in regno suo sunt, habet enim omnia jura in manu sua, que ad coronam & laicalem pertinent potestatem, & materiale gladium qui*

Kings Supremacy proved out of Bracton.

qui pertinet ad regni gubernaculum. Habet etiam justitiam & judicium, quæ sunt jurisdictiones, ut ex jurisdictione suâ, sicut Dei minister & Vicarius tribuat unicuique quod suum fuerit. Habet enim ea quæ sunt pacis, ut populus sibi traditus in pace silens & quiescat, & ne quis alterum verberet, vulneret, vel male tractet, ne quis alienam rem per vim & roberiam auferat at vel asporret, ne quis hominem mahemiet vel occidat. Habet etiam coërcionem ut delinquentes puniat & coërceat. Item, habet in potestate suâ leges & constitutiones, assisas in regno suo provisas, & approbatas, & juratas, ipse in propriâ personâ suâ observet & subditis suis faciat observari, nihil enim prodest jura condere, nisi sit qui jura teneatur. Habet igitur Rex hujusmodi jura sive jurisdictiones in manu suâ, lib. 2. cap. 24. §. 1. And againe, ea quæ jurisdictionis sunt & pacis, & ea quæ sunt justitiæ & paci annexa, ad nullum pertinent nisi ad coronam, & dignitatem regiam, nec à corona separari poterunt cum faciant ipsam coronam. The English of it in briefe, is this. The King hath supream power in all civill causes, and is super omnes, over all persons, over the body politique; all jurisdictions are in him; the materiall sword of right belongs to him, and whatsoever conduces to peace, that the people committed to his charge may lead peaceable and quiet lives. The power holding Assizes is derived from him, and of punishing delinquents. For Lawes were vainly enacted, if there were not some body enabled to protect us by defending them, &c.

These conclusions are naturally deduced from his premises. To dispose the *Militia* of the Kingdome without the consent of the Souveraigne (and much more against his expresse prohibition) is illegall. To issue Commissions by any other authority then his, for killing and slaying, or taking mens estates by force, is against the known Lawes: and to forbid the holding of Assizes (upon whatever pretence of advancing the Subjects property, by stopping the course of Justice,) is destructive of the rights both of King and Subjects.

Hee defines the Sword, lib. 1. cap. 8. §. 4. lest Subjects should thinke it lawfull to take it up in their owne defence without his authority, significat defensionem regni & patriæ, it

is the right to defend the Kingdome. *Populi salus*, the safety of the people (the pretence of which hath engaged them in a likely way of ruine) cannot dispense with our Lawes, which have enabled onely him to protect them. It is not possible to speake more home then he hath done in the fifth Paragraph. *Omnis quidem sub rege, & ipse nullo nisi tantum sub Deo. Parem autem non habet in regno suo, quia sic amitteret praeceptum, cum par in parem non habeat imperium. Item, ne multo fortius superiorem nec potentior habere debet, quia sit esset inferior sibi subiectis, & inferiores pares esse non possunt potentioribus. Ipse autem Rex non debet esse sub homine, sed sub Deo & sub lege, quia lex facit regem.* All are under the King, and the King is under God only. Hee hath no equall in his Realme, (no coordination here) because then he could not command all, for amongst equals there can be no Empire. Therefore much lesse are any his superiors, or can challenge greater power because then he woud be under his Subjects, &c. The King ought not to be under man. Hee is under God and the Law, because the Law makes him King.

The last words (though advantage be made of them, and *Fortescue* is quoted to the same purpose) can afford no just ground of scruple; for he explains himself within a few lines. *Lex facit regem*, signifies no more then that of the Roman Emperours, *Ad eo de autoritate juris nostra pendet auctoritas. l. digna, c. delegib.* The meaning may be extended thus farre. That the people had a hand in the conveyance of their divided right unto him, and hee may now challenge them by ventue of their owne agreement, and by divine right also, but as presupposing this consent; because God doth not immediately dispose of Kingdomes now, and conquest signifies greater force not juster title; that oft times gives possession, and a subsequent compact creates a true right. I doe not deny, but that conquest in some cases may be a lawfull way of acquisition; the provocation may be so great, that persons and estates are forfeited to the victor; but because the will is not capable of being forced, it doth not follow, hee hath got a right over their goods and bodies, therefore they are His Subjects, and owe to him

him obedience. For to be subject, being a morall bond, where God doth not lay upon us any obligation, (as the duty of children towards their Parents doth not depend upon choice) it can only flow from our consent. But this consent of the people was not an adequate cause, but a necessary qualification to make him capable of receiving a larger commission from God. The Sword of Justice is blunt, the peoples agreement could not put an edge upon it to cut off offenders, this is done by the Magistrate, as Gods delegate.

That the King is *sub lege*, under the law, hath this sense, That he ought to governe according to those standing rules. His Majesty freely confesses this obligation, and since experience hath taught him the benefits of strict observance, he will not be intreated upon what plausible pretences soever (and much lesse will he be commanded) to recede from their known and certaine direction. But if hee should swerve from these rules, hee is not liable to any punishment, nor compellible by strong hand; not for want of s^une, for he offends highly in that case, but for want of a superiour jurisdiction. *Bracton* delivers this truth plainly, wee have no legall remedy, wee can onely humbly petition. His sacred Majesty, *locus erit supplicationis, quod factum suum corrigat & emendet; quod quidem si non fecerit, satis sufficit ei ad penam, quod dominum expectet ultionum. Nemo quidem de factis suis presumat disputare, multo fortius contra factum suum venire.* If he will not hearken to our just and reasonable desires, *satis sufficit*, his punishment is more then enough, for he must render an accompt to him that judgeth righteously. Let not men presume to question his deeds; much lesse to undoe by force, what hee shall doe, though not according to right. That you may not thinke this dropt from him unwarily, he repeats it in other places, and *lib. 1. tract. 3. de defaltis, cap. 3. §. 3.* He puts the case, That the King should doe injury, and a plea is brought against him, in whose behalfs he did it; the King being per^{su}aded and pers^uading, and he rules it thus. *Quo casu cum dominus Rex super hoc fuerit interpellatus, in eadem persistere voluntate, quod vult tenentem esse defensum cum injuria, cum teneatur justitiam totis viribus defensare, ex-*

tunc erit injuria ipsius domini regis, nec poterit ei necessitatem aliquis imponere quod illam corrigat & emendet nisi velis, cum superiorem non habeat nisi Deum, satis erit illi pro pena quod Deum expellet ultorem. If the King, vvhio is bound to administer justice to his utmost power, will not recall the wrong he did upon a false suggestion, in this case, he injures his subjects, but no body can force him to doe right, because he hath supreme power; hee hath no superior but God only, and it is sufficient that wee shall have a day of hearing hereafter at a just tribunall, where he shall be punished for doing wrong, and we amply required for our patient suffering. In *lib. 2. cap. 16. §. 3.* hee attributes the highest authority to the King of England. If the place be rightly understood by a wise Chancellor of this Land, whose collections from thence I shall lay downe, you may finde them in his case of the *Postnati*, pag. 107. 108. *De chartis regis & factis regum non debent nec possunt iusticiarii nec privata persona disputare; nec etiam in illa dubitatio oritur, possunt eam interpretari, & in dubiis & obscuris, vel si aliqua dictio duos contineat intellectus, domini regis erit expectanda interpretatio & voluntas, cum ejus sit interpretari, cuius est concedere.* The sense is, that all *casus omisi*, cases not determined for want of foresight are in the King: so that it gives not power to him to make new or abrogate old Lawes without consent in Parliament, but the right of interpretation belongs to him, not in plaine and evident causes (for these need no declarer; to challenge a right to declare all Lawes, vvere in effect to make them, and then all the Subjects rights vvhould be in their breasts, and depend upon arbitrary votes) but only in new questions and doubts vvich must not be resolved contrary to old Law. By this it appeares that Subjects ought not to judge of the equitable part of Law and to overthrow the literall sense at pleasure, to the præjudice of their Sovereigne. Our King hath as much right by our constitutions, as that civill Law gave the Roman Emperours, *Inter æquitatem jusque interpositam interpretationem nobis solis & licet & oportet inspicere. l. i. c. de leg. & constit.* or that other *Rex solus judicat de causa à jure non definita.*

Notvvithstanding such expresse testimonies of the Kings supremacy,

premacie, yet such is the ignorance of some (these transcribing only, and onely varying the method of treason in their seditious pamphlets, as appears by that remarkable error borrowed out of the *Observations of Richard the second, being misled by Spencer*, which I have met with in many of their libells) and such is the malice of others, who have searched the place in *Bracton* by them quoted, that his authority is cited against the King almost in all their Pamphlets which either speake Latine, or pretend to have knowledge in the Lawes,

The Author of the fuller answer to Doctor Ferne, tells us, the two Houses collectim considered in a joint body, are not Subjects. p. 4. And *Bracton*, he sayes, will beare him out in it. *Rex habet superiorem, Deum scilicet, nem legem per quam factus est Rex, item Curiam suam, viz. Comites, Barones, &c.* The King hath above him, besides God, the Law, whereby he is made King, likewise his Court of Earles, and Barons, &c. This man hath betrayed either want of knowledge, or want of honesty; I suspect the latter, because he must needs understand, that this was a very unfit prooffe of coordination between the three Estates (upon the strength of which his whole discourse hangs, and it is meere begg'd) for this concludes against it, and makes a most absurd subordination of the Sovereign to such a number of his Subjects, and therefore he confesseth, *hee need not goe so high*. The adding, &c, as *he hath above him his Court of Earles and Barons, and so forth*, doth discover their unfaithfull dealing. For first, here is not the least mention of the House of Commons (which they would seeme to imply) & therefore it cannot serve their turne; and secondly the words following (craftily left out) shew the absurdity of it, the reason of the speech is, *quia Comites dicuntur quasi socii Regis, & qui habet socium, habet magistrum, & ideo si Rex fuerit sine frano. i.e. sine lege, debent ei franum ponere nisi ipsomet fuerint cum Rege sine frano*, (Because Earles are quasi fellows to the King (I may perhaps render the meaning by calling them his Peeres) and he that hath a fellow (or a Peere) hath a Master. And therefore if the King will indulge himselfe a loosenesse from all Lawes, they ought to impose those bonds upon him, except they also will cast off obedience to established Lawes. Then, he sayes, no farther remedy is left but crying

*Bractons
authority
abused by
them.*

crying to the Lord, and the Lord will returne this answer, *Vocabo super eos gentem robustam & longinquam qua destruet eos, &c.* by the way hee does not say that Subjects shall call in a forraigne Nation, that is treason, But the Lord will bring them in, because they would not judge their people righteously.

The distinct answer to it is, that *Bracton* layes not this downe as Law, but when he had taught the quite contrary, *Omnis quidem sub eo & ipse sub nullo sed sub Deo tantum*, and *non habet parem*, and *sufficit ad penam, quod Dominum expellet ultorem*. He puts this speech into the mouth of a man discontented at the abuse of regall power, and arguing from the practise of that Age wherein he wrote, for the Rebellious Barons seized on the *Militia* of the Kingdome, which of right appertained to *Hen.* third. as *Bracton* clearly delivers himselve, *ea que sunt iusticia & pascua annexa ad nullum pertinent nisi ad coronam, nec a coronâ separari poterunt*. That he speaks it in the person of another appears from hence; that he begins it with *dicere poterit quis*: some body may say, *The King hath done Justice, and it is well*; and *Why hath he not the same liberty to censure him if he doe iniustice*; and accordingly to require him to performe his dutie, lest he fall into the hands of the living God? He proceeds immediately to *Rex autem habet superiorem, &c.*

Kings Supremacy proved from the nature of all his Subjects tenures.

It would be very easy, for one better read in our Lawes, then I am, to shew that the King of *England* hath supream right, from the nature of all Subjects lands holdē of him in fee; which though it gives a perpetuall estate, yet not absolute, but conditionall, for it depends upon the acknowledgement of superiority and is forfairable upon a not performance of some duties, and therefore it returns unto him. For the breach of Fidelity is losse of Fee. as appears in *Duarenus, Wesembeckius, Farinaccius, Molina, Socinus, Gail*, and they tell us that all Lawyers agree, that all *Fenda* are lost by rebellion; as also by our common Law, which according to the nature of the trespassse, varies the forfeiture. In case of Treason, as taking up Armes against the King, (for so you may find it determined 25 *Edw.* 3. c. 2.) after legall conviction all their lands and tenements are absolutely in the Kings disposall: in case of felony, the King hath a yeare, a day and

and the waſt, after which it paſſeth downe to the heires. It is very evident, that the King onely hath that high degree of property in his lands, which Lawyers call *alodium* or *alodium*. The ſenſe is the ſame though the words differ; for it is not materiall, whether with *Budens* we derive it from the privative particle (*a*) and *Landum*, which ſignifies, nomination, ſo that it denotes *pradium cuius nullus author eſt niſi Deus*: to hold in his owne full right, without any ſervice, any payment of rent, becauſe from God onely, or like to thoſe of *Heinault*, who acknowledge no tenure but from God and the Sunne, *Pays de Hainault tenu de dieu & du ſoleil*, or elſe we may derive it from the ſame privative particle (*a*) and the Saxon *Leo* 8, or the French *leud* (a vaſſall or leigeman) and then it expreſſes thus much, a tenement without vaſſallage, *without burden*, to which our Engliſh *Loade* retaines ſome reſemblance.

But Subjects of what degree or condition ſoever, hold their lands *ut feuda*, in the nature of *Fee*, which implies Fealty to a ſuperiour. It is all one whether they belong to them by inheritance, or by purchaſe; for though they may ſometimes be dearly bought, yet ſuch is the condition of the alienation, that they cannot be conveyed without thoſe burdens which were layed upon him who had *novell Fee*. So that *Camden* pag. 93. of his *Britannia*, obſerves very truly, that the King onely hath *directum dominium*, this being reſerved by the conquerours, who changed many of our lawes, and introduced the cuſtomes of Normandy, and inſtituted all our pleas in French, and paſſed over the *utile dominium* only; he gave though not abſolute yet perpetuall right, conditions being performed to uſe and enjoy ſuch and ſuch lands. The higheſt expreſſion of a Subjects right which law will juſtify, is this, *ſeſſius inde in dominico ſuo, ut de feudo*. *Hee is ſeized of ſuch lands in his demaine, as of fee*. Now *Feudum* is manifeſtly a derived right, and founded in him who hath ſupreme right, in conſideration whereof all lands held by Subjects are burdened with ſome ſervices, which differ according to the variety of grant from the King. Hence ſome tenures expire with life, others goe downe to our poſterity by diſcent, to whom the law gives *uſum fructum*, a right to uſe, enjoy and make all profits

ties, but they are properly but *mesn* or *mesme* Lords, as holding of an *over Lord*, or *Lord paramount*, vvho is the King.

Leige Lord
bound to
some du-
ties,

The Kings supremacy is as strongly proved in that he is our *Leige Lord*, as appears by sundry Statutes, for such an one can acknowledge no superiour, as *Duarenus* shewes in comment, *de consuetudin fendorum. c. 4. num. 3.* And all Subjects are *homines ligii*, leige men, and owe faith, and true alleagiance to him as their superiour. The definition of Legiency is set down in the great customary of *Normandy*, *Ligeantia est ex qua domino tenentur vassalli sui*, &c. *Ligeancy is an obligation upon all Subjects to take part with their leige Lord against all men living, to aid and assist with their bodies and minds, with their aduise and power, not to lift up their armes against him, nor to support in any way those who oppose him.* The Lord likewise is bound to go-

but not
under paine
of forfeiture,
as
Leige men
are.

verne, protect, and defend his leige people (so the English are often called in Acts of Parliament) according to the rights, customs, and lawes of the Country. If Subjects breake their faith and prove disloyall, their estates and lives are expressly forfeited; and the King is enabled by law (as the fountaine of all jurisdiction) to seize upon their goods and lands, and to destroy their persons. If he performe not his duty (for there is a mutuall obligation betweene leige Lord and leige men) yet notwithstanding this failing, neither his Crowne or any rights belonging to his Royall dignity are subject to forfeiture. Let them if they can produce any one law to maintaine their assertion. If there had beene any, it vvould not thus long have been concealed, for they are not accustomed to dissemble any advantages by overmuch modesty. Indeed, they have not any shadow of prooffe or colour of reason for it; and yet upon their bare word how many thousands have hazarded their soules by assisting rebels, which are eternally lost, if they perish in their sinne? What madnesse is it to beleeeve their saying, before their and your owne oathes? Is it possible you can innocently destroy your Sovereigne, whose life you have sworne to defend with your utmost power? Be not abused by that miserable fallacy drawne from the nature of a Covenant. The mistake lies here, that law hath provided to bring Subjects offending to a tryall,

triall, but hath not, could not question the King, and compell him to be responsible for want of a superiour jurisdiction, All just proceedings must be *per legale iudicium parium*, & *legem terra*, by trial of Peeres and the law of the land. But the King hath no Peere, and *lex terra* doth not in any case disarm the King of the sword of Justice, it is not separable from his Crowne. Therefore he is exempt from tryall, and it cannot be just to punish him unheard, uncondemned. The conditions of Kings were very miserable, if he who sweares to governe the people according to the knowne lawes, so that they see what to trust to, should himselfe be liable to their arbitrary Justice.

The Premises are firme; for the Major is part of *magna charta*, and the Minor is as evident, as that his Subjects are not greater then he; which signifies only, that those which are under him are not his superiours. Bracton, you may remember, is frequent in the expression, *Rex non habet parem in regno*, and he is *tantum sub Deo*, &c. There is besides an antient monument, which shewes the manner of holding a Parliament before the Conquest, which will afford us no small light in this poynt. It is sayed to be delivered to William the Conquerour by discreet men, at his command, and to have beene approved by him; it runs thus, *Rex est caput, principium & finis Parliamenti*, & *ita non habet parem in suo gradu*, &c. The King is the head, the beginning and the end of the Parliament, and so he hath not any Peere or equall, but is himselfe the first degree. The second is of Archbishops, Bishops, Abbots and Priors holding by Baroney. The third is of Proctors of the Clergy. The fourth is of Earles, Barons and other noble personages. The fifth is of Knights of the Shire. The sixth degree is of Citizens and Burgesses, and so the whole Parliament is compleated by six degrees. But wee must know, that though any of the five degrees besides the King, shall bee absent, if they were duly summoned, *Parlamentum nihilominus censetur esse plenum*, the Parliament is full in law.

The latter part is as manifestly true, that *Lex terra* doth not in any case disarm the King of the sword of Justice. By our constitutions *Regia majestas est armis decorata*, and *legibus armata*, the directive part of Law concerns the King, the penall

doth not; Hee ought to square his actions according to this rule, but if they should swerve from it, they cannot fall within the cognizance of his Subjects. All offences are punishable as committed against Him, His Crowne and Dignity, and though the Law hath condemned them, they are pardonable by His *Grace*: which clearly demonstrates, He is above penall Lawes, and it is indeed an inseparable priviledge of supream jurisdiction, let it bee placed where it will, in one or more persons. Naturally, (supposing men by distance absolved from paternall dominion) that is, before a positive constitution of Empire, when men were equally free, it was not unlawfull to require by strong hand satisfaction for wrong; but after an established government, this liberty was civilly restrained; and it is not in our power to right our selves but in a legall way, which is by Magistrates; and the last appeale lyes to the highest Governour, that the proccesse may not be infinite, but we may have some certaine and peaceable decision of all differences.

To conclude this Section, (for I shall have occasion to enlarge my proofes in the next, in answer to their exceptions) we have sworne to beare true allegiance to the King, (such as have not are neverthelesse strongly obliged by divine Law, and this duty doth naturally flow from the right to governe.) I request all men to examine their consciences how they can excuse themselves from flat perjury, if they indanger his life and endeavour to destroy him. It is expressely high Treason to compasse his death. 25. *Edw.* 3. Though God in his great goodnesse hath restrained their malice from effecting it, yet by shooting at him, by attempting to kill him, they are lost temporally, their goods and chattels, lands and tenements, and lives, are forfeited in Law; and what is most lamentable, their soules are eternally ruined. Disloyalty to their King is disobedience to God, I need not aggravate the sinne, the Apostles eloquence is most powerfull, *They that resist shall receive to themselves damnation.* The case is extreamely plaine, I am amazed that the people should be so bewitched into Rebellion, contrary to Oaths and solemne Protestations, and repugnant to Christianity. For they are condemned out of their owne mouthes, unlesse that grosse non-
sense

Sect. IV. Taking up Armes against their Souveraigne.

sense be true, that they shot at him (as at Edge-hill) for His preservation, and endeavoured to kill him in his owne defence. It is miserable comfort which the doubtfull signification of *κρίμα* can afford, but sinking men catch hold of every reed. The word in the Greek is rather to be translated judgement and punishment, (the words following are peremptory) and as Piscator observes, thereby is not meant eternall damnation, but the punishment of the Magistrate in this life: Master Bridge his Answer to Doctor Ferne, p. 4. This calls to minde those men of whom *Mitinus Felix* saith, they did optare potius quam credere, rather wish then beleieve that no such thing as eternall damnation was intended. The Analogy of the place will evince, that this word *κρίμα* is like a sword with two edges, fitted not onely to kill the body, but to destroy the soule also. That it threatens punishment from the Magistrate is very true, but not all; you must needs be subject not onely for wrath, but likewise for conscience sake: v. 5. 13. 6. to the Romans. You are exhorted not to rebell because you may be hang'd, but lest confidence in numbers should answer this objection, a stronger motive is used, you shall certainly be damn'd; It is probable, you may take the Gallows in the way, but however Hell will be the end. Though you escape a shamefull death, yet you have forfeited eternall life.

SECT. IV.

I Will begin with a most remarkable passage in *Calvins Institutions*, wherein are many things worth our observation, and which will conduce much to the decision of the present dispute. *Neque enim si ultio domini est effrenata dominationis correctio, ideo protinus demandatam nobis arbitremur. Quibus nullum aliud quam parendi & patiendi datum est mandatum. De privatis hominibus semper loquor. l. 4. cap. 20. §. 31. If correcting unbridled governments be his worke, who said vengeance is mine, wee must not therefore take Gods office into our hands, wee cannot thinke to reforme the abuses of higher powers is committed to us, to Whom is given no other commandement but to obey and suffer.*

suffer. I speake alwayes of private men. This truth clearly delivered speakes the goodnesse of our cause, and demonstrates the unlawfulness of taking up Arms against the King, though their supposition were true (as it is evidently false) that His Majestie did cast off the bridle of established Lawes, whereas He doth hazard His Life and Crowne in their defence. The quartell is, that he doth obstinately maintaine our good old customes and constitutions (such as experience hath confirmed happy and beneficiall to this Nation) and will not be overawed to make new Lawes, such as private interests would force upon Him and the Kingdome.

This is a sure ground for conscience to rely upon, and evidently destructive of most of their popular principles, which have poisoned the affections of the Subjects. It is not lawfull for us to correct ill Governours, because this cannot be effected without resistance, and all private men have direct precept against this; that of obedience and patience. This will speake home to the business, when it will after appeare, that all inferior Magistrates opposed to the highest, whose Delegates and Ministers they are, are but private men.

In the meane while, wee may hence discover the falshood of their principles, viz. That *the law of nature will justifie all resistance against injuries, and for our owne preservation; that no people is so mad as to contract to their owne ruine,* (and therefore may resist any Magistrate, if their lives be indangered; the meaning is, if they have offended against knowne Lawes, which vwill certainly adjudge them to dye, the Magistrate shall bring them to legall tryall at his owne perill) *or to agree to be ill governed; and therefore since there is a mutuall compact, if Rulers performe not their duty, the compact is dissolved. and they are at liberty to right themselves, and to governe their Governours, and to sling the Pilot overboard, if hee wilfully steere upon the Rocks, not by way of jurisdiction, but selfe-preservation.* That the King is for the people, and Governours are appoynted for the good of those that are governed, and therefore *Subjects are the more considerable men, and greater and more honourable then those who are placed over them, they bearing relation of the end, Ma-*
gistrates

gistrates but of the meanes, and so the safety of the people must give Law to the Magistrate, if he will bee peevish and protect them according to old Lawes, when they fancy greater benefits from innovation; that *Quicquid efficit tale, est magis tale*, but according to their grounds, private men made all Magistrates, (for before they constituted some forme of Regiment by pactions and agreements, they were but a multitude of men, amongst whom none had jurisdiction over other) the conclusion is, therefore private men are more Magistrates, and may call even the highest to account, and force him to be responsible for what ever they judge abuse of power.

The grounds upon which our seditious writers doe argue, are very contradictory in themselves, and yet all of them conclude for Rebellion.

Some (and I thinke the greater part) confesse, it is unlawfull for private men to resist the Magistrate, though abusing his authority. These must needs acknowledge the weakenesse of those arguments (which yet they constantly presse, and which prevaile most upon the peoples affections) that it is a senselesse thing to imagine, wee can bee obliged to bee slaves, in case a King be guided by his Lusts, not Lawes, or not to preserve our selves against bloody Tyrants. For their determination is contrary, that private men for want of authority to arme them, are bound to suffer. And Calvin is expresse, *lib. 3. c. 10. §. 6. nullum magis praclarum facinus habetur, etiam apud philosophos, quam liberare tyrannide patriam. Atqui voce celestis arbitri aperte damnatur, qui privatus minum tyranno insulerit.* They maintaine therefore, though private men sinne in resisting; yet if countenanced by inferior Magistrates, then it is not Rebellion, but a just Warre. These may be clearly convinced, if they will but consider, that inferior Magistrates are such only in respect of those who are under their jurisdiction, because to them they represent the King, but in reference to the King they themselves are but Subjects, and can challenge no jurisdiction over him.

Some state it thus; though not private men, not yet inferior Magistrates, yet superior power may bridle the exorbitant
lusts

lusts of Princes by force of Armes; this wee grant, and therefore acknowledge, that in an Aristocracy where the lawes place the supream power in such a body of men, what is done by their authority ought not to be resisted, and if any one man take upon him regall power contrary to their constitutions he is a Traytor, and may be cut off. But this concludes nothing in a Monarchy, *Res apud alios acta, aliis non prejudicat*; for their error is, They make the two Houses the Kings superiors; who themselves disclaime it in words, and seeme to aske you, who made them supreme Ruler; for all their petitions (which are the acts of them not as *single* men, but as *united* bodies, and considered *univèr*, not *disjunctivè*; *socially* not *severally*) carry this truth in the Title, *Your Majesties humble and obedient Subjects, the Lords and Commons in Parliament, &c.* which acknowledges their obligation to be under him; and to say otherwise would bee of dangerous consequence, for if they bee not His Subjects, they put themselves out of His protection.

Some againe thinke it too grosse and absurd to maintaine, that Subjects in any capacity are above their King, and therefore a *coordination* serves their turne. By which if they meane an equall right in the King and the two Houses of a negative voyce, in respect of new Lawes to be enacted, or old abrogated; this is granted, but will doe them no service, and indeed it overthrowes their cause. For as the King doth not pretend that he can make use of his power to make newe lawes without their consent, so by the same reason, neither can they challenge a right of taking away our old Government without the Royall assent. But if they meane by coordination, a division of Sovereignty, this is against the nature of it, and a cleare contradiction. So that, if he be our onely Sovereigne, there is no such thing as coordination; if they be joynt-Soveraignes, in what a miserable condition are we *English-men*, who should be bound to impossibilities, to obey three masters commanding contrary things? They might as well challenge us to doe homage to them, which is and ought to be performed onely to the King, *cum per id efficiamur homines solius illius cui juravimus*, as the
 Civilians

Civilians determine; and we cannot be *duorum in solidum*: l. Si ut cer. §. Si duobus D. commodati.

Some, and those the most desperate mutineers, lay such principles, as will bring in a certaine confusion: For they tell us obedience is commanded onely to good Magistrates; if men intrusted to governe according to Law, faile in their duty, they cease to be Magistrates, for these are defined *Dei ministri nobis in bonum*, The Ministers of God, for the good of the Commonwealth; so that to destroy such, is to resist the men onely, and not the power; it is a warre against the person onely, and not the authority, which is none, if used against Law, because that doth not enable any to destroy it selfe, the Law cannot die legally; by power is not meant *δύναμις*, what they may doe by strength, but *ἐξουσία*, what they ought to doe in right.

This is the most reasonable doctrine, because coherent to it selfe throughout, but the most seditious doctrine likewise, because it gives a full liberty to the people, not onely in a representative body, (and therefore in the diffusive much more, because all the right that can pretend to against the King, is derived from this) but to any part of them, to any private man to resume, (as some expresse it) their power, or as others to make use of that power which they never parted with to their owne inconvenience, and so all necessity of suffering, except when they have deserved it, is taken away, and Christianity is made a tame madnesse.

To returne to Calvin, whose following words are much abused (though I must confesse some conceive them craftily laid downe by him, in reference to the time and place when and where he lived, and that his designe was to insinuate some small colour in plausible Generalls, for that most unjustifiable action of the Citizens of Geneva, who had lately cast off their true Prince, because a Bishop of a contrary religion) after he hath informed us, that God requires all private men to obey or suffer though under Tyrants, he addes, *Nam si qui nunc sint populares magistratus*, Sec. If there bee at this time any Magistrates appointed by Law, in behalfe of the people, to restraine the licentiousnesse of Kings, such as were the Ephori, opposed and set over

the Lacedæmonian Kings, the Tribunes of the people which curbed the Roman Consuls, and the Demarchi who bridled the Senate at Athens, &c. upon this supposition they not onely may, but ought to reforme the abuses of government, and to doe right to the poore Commonalty whose guardians they are. This is undenyably true, but impertinent to the present controversie, because the People or Nobles cannot challenge that power in a Monarchy, with which they are invested under an Aristocraticall or Democraticall regiment, such as Athens, Rome, and Sparta were.

It is very observable by the way, that by reason the supream power was placed in the Lacedæmonian Ephori, and Roman Tribunes, &c. their office made their persons sacred and inviolable. They did justly challenge the same impunity, which wee maintaine, belongs to Kings in a true Monarchy; for I argue not from the name, (for though the Duke of Venice were called King, it would not enlarge his authority, and the Spartan Kings had onely a Royall title, but were truly Subjects as we learne from Plutarch and Polybius) but from the nature of that power wherewith the constitutions of a Realme doe invest one person. Hence appeares the unreasonableness of their seditious invectives founded upon some inconveniences, because power will probably bee sooner abused, if any person may doe what hee will, and not be responsible for his injustice. These kinde of Declamations, with which their Presses and Pulpits labour, strike equally at all government. For there is a necessity we should lie open to some possible evils from the abuse of authority, or else we cannot provide for greater and certaine goods of common peace and publique tranquillity. It is no prudence to cure the miscarriages of government by a legall confusion, since even the worst government is lesse miserable then Anarchy.

I believe, I can make a full discovery of those wicked Arts whereby crafty men have opened a way to the advancement of their covetous and ambitious designs at the price of publique calamity. Tib. Gracchus was excellently learned in those damnable

nable politiques; and I desire all indifferent men to judge whether the unhappy disturbers of *England* have not exactly managed the miseries of this Kingdome according to his principles. He proposed some Lawes which might well become a reall lover of his Country, but his violence in the illegall establishment of them, which did evidently tend to confusion, did make it apparent, that publique pretences were taken up in order to the satisfaction of private lusts. *Marcus Octavius*, as his fellow Tribune had the right of a negative voice, for if one Tribune dissented, no Ordinance could bee made which ought to have the power of Law. He not able to effect his ends, informs the people that this opposition betweene their equall authorities did threaten civill warre, and therefore it would concerne them as they loved their owne safety, vvhich vvas the supream Law, to decide this difference, by recalling that povver vvhich they had bestovved, to the end they might receive benefit therefrom; but vvhich vvas novv abused contrary to a trust reposed, to their prejudice? The issue vvas, he prevailed vwith them to depose *Octavius*, and he made them substitute a meane person, one of his dependants. But being sensible afterwards, that amongst all his illegall Acts, this gave most distaste, not onely to the Nobility and Gentry, vvho vv ere indued vvith clearer understandings, but even to the slowly apprehending Commons, and that it proceeded from lawlesse passion to debase the highest dignity of Tribune of the people, and expose that sacred function to scorne and contempt, vvhich ever before vvas justly esteemed inviolable, and such as secured the persons from being touched, hee brings these colours to excuse that most unprecedented action.

*Gracchus
his seditious
practises,
their past-
time.*

‘The *Authority* of Tribunes is truly sacred and inviolable, but
 ‘for no other cause then as particularly devoted to protect the
 ‘people and established to advance their welfare: If there-
 ‘fore a *person* thus highly intrusted, failes in performance of
 ‘duty, suffers the people for vvhom he serves, to be oppressed,
 ‘and endeavours to abridge their power, and denyes to them
 ‘the meanes of expressing their will and pleasure by his vote;
 ‘(for he is but their mouth, enabled by them to declare their

meaning.) In this case he forfeits all Priviledges and Prero-
 gatives due to his office, because hee thwarts those very ends
 which first moved the people to bestow upon him such large
 preeminences: for if otherwise we must bee bound to sit still,
 while he pulls downe the Capitoll, or sets the Navy on fire,
 and notwithstanding any violences, or whatever exorbitan-
 cies of his lusts and wildest passions, tamely to obey him as
 our Tribune, that is such an one who by vertue of our trust for
 the improvement of our safety, usurpes a right to cut our
 throats, and is our servant to destroy us. Certainly if he en-
 deavour to stop that breath which created him, and to over-
 throw the underived authority of the people, he is no longer
 their Tribune. Is it not a most unreasonable thing, that a
 Tribune may imprison the Consull, if it conduce to the prefer-
 vation of the State, because in that the peoples safety is con-
 cerned; and yet that the people cannot depose him in their
 own defence, and resume their power when employed to their
 ruine? For as the Consull, so the Tribune likewise is the peoples
 creature; they live and move, and have their being in their
 election. Againc, Regall dignity (in which the powers of all
 other Magistrates of what degree or ranke soever, were uni-
 ted and made up a personall Sovereignty) was declared sacred
 and holy by the most solemn and most religious Ceremonies,
 as approaching nearer to, and partaking much of Divinity:
 neverthelesse the people expell'd *Tarquin*, abusing his Royall
 power, and some personall faults were thought a sufficient
 reason to take away the most ancient Magistracy, and that
 which founded *Rome* it selfe. There are not in this Citie any
 persons more holy, more venerable, then those pure votarels-
 les, the vestall virgines, whose charge it is to preserve the eter-
 nall fire. But if they staine their honour, our Law buryes
 them alive: They cannot challenge any priviledges belong-
 ing to their sacred employment, because when they cease to
 respect the Gods, wee no longer owe a reverence to them,
 which is paid onely in order to their service of the Gods. Can
 it then be reasonable to suffer the peoples enemy, to enjoy the
 priviledges due to their Protector? He would cut off those
 hands

hands vvhich hold him up. If the consent of the major part
could make him Tribune, shall not the same power vvhich did
constitute be equally strong to dissolve? and much more can
a greater power depose him, the concurrence even of the
whole people declaring him unworthy. What is more ho-
ly vvhath lesse to be violated, then things offered up and con-
secrated to the Gods? And yet no man dares forbid the peo-
ple to make use of these, or to remove them from one place
to another, as oft as they shall judge it convenient so to doe.
By the same reason, without dishonour to the Authority,
they may discharge the person, and choose out a better habi-
tation for that sacred office. That the Magistrate is separable
from the man, is evident, because many, vvhhen made by the
people, out of a love to a retired life, or a sense of their in-
firmities, and unsuitnesse to manage the publique, have deposed
themselves, others have intreated the people to choose more
able servants. *Plutarchus*, in the life of *Tiberius*, and *Caius*
Gracchi.

It is needlesse to make the application. Observe the event;
This illegall deed (which was justified only by a pretended
necessity, for I know not what imminent dangers did threaten
the Common-wealth, except this Bill did passe) being ventured
on by the unconsidering multitude to avoyd Civill Warre, pro-
ved the ready meanes to kindle it. The flames of which so-
dainely consumed the author, with many of his adherents. For
one *Nasica* so managed *Gracchus* his seditious principles, that
he killed him with his owne weapons. For taking advantage
of the many discontents, hee requires the Consull to aide the
publique safety, by destroying him who had usurped a tyranni-
call power. The Consull replies with much moderation, ju-
stice and prudence, 'It did not become him to make force the
'measure of right, nor could he kill a common Citizen, before
'he were brought to a legall tryall, & condēnation had past upon
'him. But he promises, if the people either seduced or awed by
'*Tiberius*, should Vote any Ordinance contrary to established
'Lawes, he would esteeme it of no force, and would not yield
'to the observance of it. *Nasica* rises up in a rage, and gives the

word to the Tumult, since then the chiefe Magistrate neglects the common safety, wee must not bee wanting to our owne preservation; such as will maintain the reverence due to lawfull authority, follow mee. In this mutiny *Tiberius* falls a sacrifice to the publique peace. -- Stones and Staves were the onely weapons by which this popular man, and above three hundred of his companions, were destroyed. The behaviour of *Blossius* a great incendiary, and an over active instrument to advance wicked designs, is very remarkable. He being arraigned before the Counsuls, confesses freely, hee had executed what ever *Tiberius* had commanded him. *Nasica* askes him, what hee would have done if he had beene commanded to fire the Capitoll? He replies: *Tiberius* would not have commanded such a thing; others presse hard upon him to tell his resolution, in case *Tiberius* should have commanded it; He plainly tells them: He had then done it, being confident *Tiberius* would not have commanded it, except it were for the good of the people. The parallel will be defective, if there have not beene unhappy instruments, who captivating their sense to an implicite faith, and beleiving not what themselves feele, but what others Vote, are active in their owne ruine in pursuance of safety, and pull upon themselves misery and destruction in obedience to those Ordinances, which tell them the Subjects happinesse is thereby advanced.

There are other circumstances fit to be taken notice of. He had provoked so many, hee did not dare to bee a private man againe, (not any *personall ambition*, but only *State jealousy* would not permit him to lay downe his power) and therefore he so contrives his businesse, that the people may choose him Tribune the following yeare, not so much to satisfie any private desire (for he would seeme to rule only in obedience to their commands) as to provide for their good in his owne safety. The way to this end was to court the Commons by all popular Artes. He propounded new edicts, by which the time of military service was shortned, and some yeares were cut off from the prefixed number, in which Roman Citizens were bound, when called upon to performe the duties of Warre. He made

made it lawfull to appeale from any sentence to the judgement of the people. To the Senate (in whom only before the authority to administer justice did reside) he joyned an equall number of the inferior Commons, so that a major part of them, with a minor part of Senators, if they made the major part of the whole, did sway all busineses. Thus, saith *Plutarch*, by all possible wayes, lessening and weakning the authority of the Senate by creating greater power in the people, rather out of wilfullnesse and obitinary, then sound reason, which must needs perceive, it was voyd of all Justice, and very disadvantageous to the publique interest. Hee had some other little Artes which stood him in good stead; when the Votes of the people were to be numbred to authorize his edicts, if hee perceived his adversaries would prevaile in number, because some of his party were absent, hee would take some opportunity to picke a quarrell with his fellowes, only to divert the businesse for the present, and gaine time, and if that would not doe, he would dismisse the assembly, and command another meeting. Then would he appeare first upon the place in mourning apparell, and with afflicted lookes, and humble countenance, sadly requesting the people to take compassion on him, who suffered such miserable things, and feared worse only for doing them service; and desiring them to reward his faithfull endeavour by loving his poore Wife and little Children, for he gave himselfe for a lost man, since he had reason to feare (yet the cause in which hee should fall was an unspeakable comfort) that the enemies of the Common-wealth, and such as maligned their happinesse, would come upon him in the night, and force his house, and murder him. These well dissembled griefes so wrought their passions, that the abused Citizens set up Tents about his house at their owne charges, and maintained a constant Guard for his protection.

When such men shall make a State miserable, under pretence of improving its happinesse, and challenge to themselves a right to breake all seiled constitutions, under colour of forcing upon the Kingdome new Lawes, which will bee more beneficiall; when they shall imprison us at pleasure, that wee may
injoy

injoy our liberties, and take away our goods to secure our property, and punish the most orthodox, conscientious, and painfull Preachers, and impose upon Congregations factious Lecturers to settle true Religion; and when they have acted such high mischiefs, shall tell us, the Nobility and Gentry of the Kingdome are Malignants, and delight in, and contribute their aides to advance an illegall government, who are certaine to suffer most in it, it is time to cry out,

Quis tuleric Gracchos de seditione querentes?

I have beene tempted to a large digression, because the same Attes which made Rome miserable, are visible in our calamities. I will now proceed with Calvin; after he hath very conscientiously instructed us in our Christian duty, by saying all resistance is unlawfull unlesse undertaken by the authority of Magistrates, whom the Law enables to be the peoples protectors, and gives them the highest power (which can only be in an Aristocracy or popular State) he hath afforded too great an occasion for mistake by an ungrounded conjecture, *Et quâ etiam fortè potestate, ut nunc res habent, funguntur in singulis regni ires ordines, quum primarios conventus peragunt.* And the same power, (which the Tribunes of Rome, &c. had) as things now stand, peradventure belongs to the three Estates, when they hold their principall assemblies. I could wish, I were able to excuse him from temporizing; yet he layes it down extream cunningly, perhaps, peradventure, if this chance to be otherwise, you have nothing to say for your selves; you are condemned out of his mouth, and in a poynt of such highly concerning consequences, you have no reason to change his adverb of doubting into an assertive. I shall oppose to his perhaps, it is certainly not so in England, because our Lawes make this a Monarchicall government, and so different from that of Rome, or Athens, or Sparta, and therefore conscience hath no warrant of resistance against him in whom the supream power is placed.

The worke of the second Section, was, to prove it unlawfull for Subjects to resist him or them, in whom the supream authority, that is, all the legall power of the Kingdome in order

to raise armes is placed. I shall now shew the invalidity of their exceptions against it, by manifesting, that no dispensation grounded upon what causes soever, as indeavours to make them slaves or beggars, or to introduce another and a false religion, and what else may be comprehended under the extreame abuse of this power to their oppression, or upon any persons, as inferiour magistrates, or any colour of preserving the authority of the man, by fighting, and as much as in them lies, destroying the man in authority, or of making the power well used for the good of the people, and not the person abusing that power to be the minister of God, &c. can excuse such resistance from the sin of rebellion, and from *Θισμαχία* a fighting against God in despising his ordinance.

Tyranicall abuse of power doth not make taking up armes against the supreme governour lawfull.

This truth is confest in words even by their chiefe writers, though in the meane while, they make use of such arguments to prevaile on the peoples affections (and exhort them against the King in the feare of God) as clearly overthrow this acknowledgement. The fuller answer to Doctor Ferne saith thus, *there are two kinds of tyranny, regiminis and usurpationis, that of government, though never so heavy, yet must be indured not only to the good, (sayes the Apostle 1. Per. 2. 18.) but the sorrow too, and therefore I know no man that defends the ten tribes revolt from Rehoboam. p. 22. when they complained of some grievances under which they had groaned in his fathers reigne, hee was as indiscreete, as unjust, and told them, he would oppresse them more; and yet because he had *jus regiminis*, it is ingenuously granted, it was unlawfull for them to Rebell.*

The brieffe answer to Doctor Ferne, thus, *We professe against resisting power, authority, though abused.* Hee doth not hide himselfe (as ordinarily) by dividing the power from the person who is invested therewith, but concludes against resisting the men also. *If those who have power to make lawes, shall make sinfull lawes, (that is prove tyrants) and so give authority to force obedience, wee say here, there must be either flying or passive obedience. p. 113.* By the same reason, if he that hath the only power

Tyranny doth not dispense with the Subjects duty of allegiance.

by lawes already made, to traine, array, and muster, and to dispose of the *Milinia*, with which he is intrusted for his Subjects protection and his owne safety, should put them into hands, which they cannot confide in, yet there must bee no warre waged to prevent a supposed danger, there must be either flying or passive obedience.

But if one that is in authority command out of his owne Will, and not by law, I resist no power, no authority at all, if I neither actively nor passively obey, no, I doe not resist so much as abused authority. If you meane by not passively obey, take up armes against which (you must, if you speake pertinently, and would make an application of this answer, to the justification of hostile resistance in Subjects) you do resist power and authority in this case. For though you are not obliged to yeild obedience, either contrary to divine precept, or the knowne lawes of the realme, yet by making use of armes, you transgresse that law, which disables Subjects to make warre without the Princes authority, much more against his expresse command, to the manifest indangering of his royall person. He answers, *this had beene but accidentall.* p. 121. and so we are told by others, *he might have stayed away.* Those damn'd assassins and bloody villaines, by whose hands the two *French Henries* fell, might have made the same plea for their execrable murders. If they had not come in their way, which they might have avoyded by locking themselves up, or by some other meanes, they had not beene killed by them. But he implies, *a desire and beseeching him not to be there, but to withdraw himselfe.* If the King had as full right to be there, as in any other place within his Kingdome, they may with the same reason justify the murder of him, if he will not be intreated to keepe such company only as they shall allot to him, or to leave his Court, or creep into an oven.

The Author extremely contradicts this duty, before professed in the name of all, of flying or passive obedience, and layes downe a most desperate conclusion, which dissolves all government and makes Anarchy legall. Upon supposall that Parliaments (taken in the onely true sense for King and Lords and

Com-

Commons) should degenerate and grow tyrannicall; *I confesse* (sayes he) *the condition of such a State would be very dangerous and like to come to confusion; particular men could not helpe themselves, and the whole State* (marke how he fancies a whole State, when opposed to King and Lords and all the Commons representatively; what can this State be, but such a number of particular men, who, he saith, cannot helpe themselves?) *ought to suffer much before it should helpe it selfe by any wayes of resisting but if you can suppose a Parliament so farre to degenerate, as they should all conspire together* (all in Law are the major part of both Houses with the Royall assent) *with the King, to destroy the Kingdome* (how unreasonably he expressees a supposall of being wonne to satisfie private Interests by making prejudiciall lawes to the Subject in generall, let him translate the scene into Ireland, and he may thinke the supposition very possible) *and to possesse the lands and riches of the Kingdome themselves* (not all, but in an unequitable proportion) *in this case whether a law of nature would not allow of standing up to defend our selves, yea, to reassume the power given to them* (this is a cleare confession, they parted with their power) *to discharge them of that power they had, and set up some other, I leave to the light of nature to judge.*

But you will say, This cannot be, because the higher powers must Obiect. not be resisted by any.

This is not properly to resist the power, but to discharge the power, Answ. to set the power elsewhere. They daily improve their principles, and now professe plainely, what understanding men did before collect from their grounds, that it is lawfull not onely to depose a King, but even the Parliament. He is very apprehensive, he hath spoken out (and it is very strange the Committee should order this doctrine to be published) *I know, sayes he, thou wilt be cryed out of, as of dangerous consequence, wherefore God deliver us, (as I hope he will) for ever making use of such a principle.* pag. 133, 134.

They confesse generally, they are bound to defend the Kings person; (and if they should say otherwise, we have their oathes and solemne protestations against their words) witnesse the 23 day of October (which may require an Annuall gratitude for the

the great deliverance both of Church and State in the preservation of His Majesty) whether they did according to the information of their owne consciences. All the answer I can meeete with carries this sense, which I will expresse in Mr *Burroughes* his words; *As for the Kings person, Is it not the profession of the Parliament to defend it?* pag. 112. and againe, *Why doth the Doctor speake of stretching forth the hand against the Lords Anointed? who endeavours it? doth not the Parliament professe the defence of the Kings person?* pag 120. Hence it appeares, they know their duty; the question is, whether they performed it, who directed their Canon more especially against His sacred Majesty; which they cannot esteeme an accidentall thing, who are not ignorant of that treacherous advertisement which *Blague* gave in to the Earle of *Essex*, in what part of the battell the *King* and *Prince* were, that they might at one blow, cut off our present happinesse and future hopes. I desire onely, that their eares would not hang in their eyes, and that men would not beleeve authority against sense. I shall onely say: most miserable is he, who condemneth himselfe in that thing, which he allowes and practises.

Exc.

Ans.

Tyrant is opposed to King, and they are incompatible.

If they understand tyrant under this notion, as an *usurper*, this is very true, but nothing pertinent, for there is not any just scruple, but those may be turned out by force according to law, who come in by force against Law; as in the case of *Athalia*, destroyed by *Iehojada*, whereby *Joash*, who had true title, was established in the throne. But if they meane (as they doe, if they would conclude for themselves) a *King* having right to governe, and proving a wicked or weake Prince, it is false that this *Tyrannum cum titulo*, the Lords Anointed, though he abuse that power (for *Chrisma domini*, this holy oyle onely excludes usurpation, and includes a just title onely, and not either the Orthodox religion, or goodnesse, or prudence) is oppsed simply to a King, but to a just or wise King. As therefore his right to the Crowne, is not founded in his divine or morall vertues, but in a lawfull succession, so neither can contrary vices dispense with any to depose him, or lift up their armes against him.

This will be evident, if we consider what kinde of Prince he was,

was, to whom Saint *Paul*, writing to the *Romans*, forbade resistance for conscience sake. It was *Nero*, in whom very happily this position might be enforced to the height, and yet all their exceptions are determined invalid. Notwithstanding his Idolatry, his oppressing his Subjects by strange cruelties, and persecuting the Saints.

— *Quæ divisa tyrannum*

Efficiunt, collecta tenens—

Yet the Apostle commands not to resist even him upon paine of damnation. Our (or rather Saint *Pauls*) adversaries seeme to object, *durus hic sermo*, this is a hard saying. The Law of Nature allowes selfe preservation; the people made *Nero* Emperour by their consent, (for usurpation can give no right) and therefore are more powerfull then he, for *Quicquid efficit tale, est magis tale*. The people may be without the Emperour, the Emperour cannot be without the people: It is not probable the safety of mankind should depend upon the lust of one man, &c. I shall answer with the Civilian, who teacheth us to obey and not dispute even humane constitutions, *Quod quidem perquam durum est: sed ita lex scripta est. L. prospexit. D. qui & à quib.* It was Gods pleasure so to order humane affaires. Such Christian submission doth most commonly produce peace and plenty in our streets, and is the mother of many goods, but if the abuse of power should bring evils upon us, they cannot be so great, so generall as civill warre would create. But suppose we suffer more in a corrupt peace, then amidst such unnaturall distractions as this miserable Country now bleedeth under: yet we ought not to be tempted to impatience, but should rather rejoyce, that God hath enabled us to stand out his fiery tryall; such afflictions if rightly understood, are blessings; and though we are not bound to pray for them, yet we ought to give thanks. Bad Rulers (if wee doe not imitate, whom wee condemne, and neglect our duty, because they performe not theirs) are but unhappy instruments of our greater glory. If wee did deeply consider the fruits of our patience, we should certainly pitty, and perhaps love our oppressors, as the unfortunate occasion of our higher blisse.

The Christians under *Julian* were very sensible of this duty, and confesse themselves bound to obey him in all lawfull things, and they did accordingly fight his battailes; but when a greater then he did interpose, *cessabat potestas minoris*, they chose to serve God in the first place, and redeemed their not obedience to him, by offering up their bodies willing sacrifices. For they wanted no numbers sufficient, as appears by the Armies electing *Jovianus* a Christian to succeed him in the Empire, with this acclamation, *Christiani sumus*! If resistance were lawfull in any case, never men could have brought fairer pleas. *Julian* was an Apostate from the established true religion; he dealt with Sorcerers and Magicians, and professed against doing justice to the Christians, making sport with their injuries, and returning no other answer to their teares, and humble Petitions but such scoffes as these; It is part of your religion to be abused; you forget the *Galilaans* precept: Why doe you not rather suffer wrongs? you must forgive all offences against you, as you hope to be forgiven; if they strike you on one cheeke, you are bound to turne the other also; if they take away your cloaks, that gives them a just title to your coates also, if at least he whom you worship have power to dispose of your goods, you are bound from going to Law, and rendring evill for evill: why doe you petition against, who are bound to pray for your Persecutors? If they take away your revenues, they advance you into the state of perfection, which requires, you should not possesse any thing, &c.

They were more persecuted by his wit then his cruelty, and yet though he did even wanton in their miseries, his barbarous usage could not prevaile with them to neglect their calling, but they committed themselves to him who judgeth righteously, and he revenged their causelesse sufferings in his destruction; for as stricken from Heaven, he cried out, *O Galilaan, thou hast got the better!*

It is as hard a matter to perswade men to obey, or suffer under bad Princes, as it is to make them (the same in practice which they are in profession) true Christians. For they are very apt to corrupt the plaine Text with false glosses, as oft as religion

ligion runnes crosse to civill interests. Their strong desire it should be false supplies the defects of arguments, which could not be able to stand against manifest truth, if affections had not a more powerfull influence upon humane actions, then reason. I shall therefore labour to prove what they are so unwilling to beleave, and I will lay downe the conclusion in *Calvins* owne words, (whom they cannot except to as a *Royalist*) *In homine deterrimo, honoréque omni indignissimo, penes quem modò sit publica potestas, praeclaram illam & divinam potestatem residere, quam Deus iustitia ac iudicii sui ministris verba suo detulit. Proinde a subditis eadem in reverentia & dignatione habendum, quantum ad publicam obedientiam attinet, quâ optimum regem, si daretur, habituri essent. Let his vices bee never so many, so great, and his merits small or none, yet by reason of his office wee must esteeme his person sacred; God doth shed upon him the rayes of Divinity, by constituting him his Minister: wherefore his Subjects should looke upon him with the same reverence and awe as they would upon the best King.* Instit. l. 4. c. 20. §. 25.

The Heathens went farre, *Voto expetendos bonos principes, qualescunque tolerandos*; But Christianity goes higher, we may pray for the best, but we must not onely suffer, but yeild chearfull and hearty obedience to the worst. If any doubt arise, let them consider the divine providence so frequently mentioned in the Scriptures, and his especiall disposing Kingdomes. *The Kings heart is in the hand of the Lord as the rivers of water, hee turneth it whither soever hee will: Proverb. 21. 1. and Dan. 2. 21. He changeth the times and the seasons: hee removeth Kings, and setteth up Kings, &c.* There is a place in *Jeremy* very apposite. *I have made the earth, the man and beast that are upon the ground by my great power, and by my outstretched arme, and have given it unto whom it seemed meet unto mee, and now have I given all these lands into the hands of N. buchadnezzar the King of Babylon my servant, &c. and the Nation which will not put their necke under the yoke of the King of Babylon, that Nation will I punish (saith the Lord) with the sword, and with famine, and with the pestilence, untill I have consumed them by thir hand. Therefore hearken not yee to your Prophets, nor to your Diviners,*

nor

war to your Dreamers, which speake unto you, saying, ye shall not serve the King of Babylon: for they prophecy a lye unto you that ye should perish, cap. 17. He was a fierce Tyrant, and yet obedience was enjoined by God, because hee had a right to governe them. I have enlarged my selfe upon that of Samuel, *Hoc jus erit Regis*, this shall be the right of the King who shall reigne over you; and it amounted to this, to destroy their liberties and property. Calvin drawes this conclusion from it; Kings could not doe so according to right, because the Law was against it, which instructed them in their duty to governe justly; but it was called *jus in populum*, a right over the people, to which they must needs be subject; nor was it lawfull for them to resist. l. cit. §. 26.

It is a frivolous objection (saith he) that this precept concerned onely the Israelites; because the command is generall, and obligeth all not to resist him to whom the Kingdome of right appertaineth. The counsell hence inferred, is very good, let not us therefore breake our duty, because Kings performe not theirs. If we live under a bloody Prince, or covetous, or intemperate, or weake, or one that persecutes the most godly professors, let us call to minde our own sins, which have deserved greater castigations. Let us thinke it is Gods sword, the sword of justice, though man commit murder with it. If we have deserved to die, and the Law passe sentence upon us, we ought not to be impatient, though we be cut off by a wicked executioner.

Exc.

Many examples are alleadged out of the old Testament, to colour this breach of duty.

Ansiv.

We have plaine precept not to resist, and must conforme our actions to knowne rules, not the practice of others. For instance, Who can lift up his hands against the Lords anoymed and be guiltlesse? this implyes a command not to rebell. Let every soule be subject to the higher powers. He that resists the power, resists the ordinance of God. Submit your selves to every ordinance of man for the Lords sake, whether it be to the King as supream, or unto Governors as unto those who are sent by him. *Legibus vivendum est non exemplis*: Examples can onely shew what was done, not what ought to be done.

To

To answer briefly, the examples by them produced are either *impertinent*, as being acted upon Usurpers; or, *not to be drawne into a rule*, because extraordinarily allowed by God, who may dispense with his owne law (but this cannot warrant our imitation, no more then the Israelites robbing the Egyptians can licence *Plundering*, or any other illegall *weakening the wicked*; or *Jacobs lying* to his Father, can excuse want of sincerity and truth, when by false reports, they may probably undoe their brethren; or *Isaels breaking trust* in murdering *Sisera*, can dispense with killing enemies, after composition made to save their lives) or lastly they were *unjust*. To runne over the particulars, would be more tedious then profitable, because they are all clearly solved by applying one of these three: They are *impertinent*, or *extraordinary*, or *Wicked*.

Secondly, If wee should grant that it were lawfull for the Jewes to resist Tyrants in their owne defence, this comes not home to us, who are called as Saint Peter sayes, to beare the Crosse, and to follow Christs example. When wee are in danger of being killed for our Religion, all that is allowed to us, is, only to *flye from one City to another*. Wee may better submit to so high a degree of patience, in consideration our well being is not provided for in this world, and despise death, because the joyes of eternall life are so plainly set before us in the Gospell, whereas under the Law they were entertained with promises of temporall blessings, and it must needs goe to their hearts to loose the proposed reward of keeping the Law, length of dayes, by their due observance of it, and this upon a suspicion of a better life, rather then a confidence grounded upon any plaine promise.

I have formerly shewed the practice of the primitive Christians, vvhich vvas so apparent, that not having so much impudence as to deny it; neverthelesse they have invented severall exceptions to it, vvhich take of the glory of their innocence. I have beaten them out of their strongest fort, vvhich vvas this, *decrant vives, They had a good will to rebell, but wanted power* 1. Exc. only.

The Christians were but private men, and for that reason could 2. Exc. not

not lawfully resist, but if they had beene countenanced with the authority of the Senate, questionlesse they would not have submitted themselves so tamely to the slaughter.

Ansiv. First, these men who grant thus much are bound in conscience to answer their owne arguments, drawne from the law of nature, vvvhich they tell us allowves selfe defence, though vvith the Magistrates destruction, and taken from the chiefe topique of their invectives, that no body did contract to be ill governed, much lesse to be ruined, and therefore no obligation can lye upon them not to preserve themselves. But these and such like reasons are evidently confuted by all those Texts vvvhich bind us to suffer though vvrongfully, as vvce have Christ for an example, &c. Those holy men, vvho submitted their bodies to the flames, lookt upon martyrdom, not as a thing of choice, but of duty. They might have pleaded the lavv of nature, and the injustice of their persecutors, vvwhose office vvvas to bee a terror to the evill, and to countenance doing that vvvhich is good; but such sophistry could not prevaile upon religion, vvvhich had bound up their hands from revenging themselves upon private men, and much lesse upon the Magistrate.

Secondly, that the Senate had no authority to vvage Warre against their Emperour, vvill be evinced from *Rom. 13. 1. & 1 Pet. 2. 13. 14.* applied to the civill constitutions of the Roman Empire. Submit to the King as supreme, that is, to the Roman Emperour, saith *Diodati, c. all' imperator Romano, dettota. uolta Ré dalle natione stranieri.* *Ulpian* acquaints us, there was not any legall povver but in him; *What he determineth bath the force of law*, he adds the reason, *because the people in vvvhom the Senate are included, by the lex regia, gave unto him the right to manage all their power.* *Ulpote cum lege Regia, qua de imperio ejus lata est, populus ei & in eum* (vvvhich signifies in *se*, saith *Theophilus*) *omne suum imperium & potestatem conferrat. l. quod princ. D. de const. princ.* *Iustinian* clearely decides the case; if the Emperour shall take any cause in his cognizance, *omnes omnino judices*, let all judges vvwhatsoever knowv, that this sentence is lavv to all effects; not only in the particular cause, but it becomes a rule to decide all like cases by. For vvhat

is greater, what more sacred then the Imperiall Majesty? or who is so insolent, *ut regalem sensum conseruat*? The sence even of the Senate was not to stand in competition with Royall constitutions. *l. si imperial, D. de legib.*

Wee may fitly observe, that some Emperours did by Acts of grace limit their legislative power, which was solely in them, and bind themselves from the use of it, without the advice of the Senate, as is to bee seene, *l. humanum. Cod. legib.* and may be collected from *Auth. Habita quidem. C. ne fili.* and divers other constitutions; yet this gave no power to the people, to be employed against them, if they should not performe their duty. This grant made the Roman Empire like the Kingdom of England, (for wee have a cleare and full testimony from our Common Law, that the legislative power is onely in the King, though the use of it bee restrained to the consent of the Lords and Commons in Parliament, *le Roy fait les leix avec le consent du Seigneurs & Communs, & non pas les Seigneurs & Communs avec le consent du Roy.* The King makes Lawes with the consent of the Lords and Commons, and not the Lords and Commons with the consent of the King.) or that which *Virgil* describes,

——— *gaudet regno Trojanus Acastes,
Indicitoq; forum, & Patribus dat jura vocatis.*

It is the most unreasonable thing that ever was fancied, that Subjects assembled, should have greater authority then their King, whithout whose call they could not have met together, and at whose pleasure they are dissolved in Law, and bound to depart to thier owne homes.

The *Amicavalier* doth pitifully intangle himselfe with this objection, and first he tells us, hee is confident *Tertullian* did not speake the truth, when hee imputes their patience to the power of godlinesse, which prohibited resistance, and not their want of force to withstand; Hee might as easily have given the lye to *Cyprian* to the Ecclesiasticall writers, who relate the story of the *Theban Legion*, and acquaint us, that the greatest part of *Julians* Army against the Persians consisted of Christians. But supposing, as he had good reason, this bold de-

3. Exc.

nyall would not give satisfaction, it not being likely his credit should goe farther then the records and evidences of Holy Fathers and Church story, after severall fruitlesse essayes to solve it, he pitches at last upon this, That honest liberty was hid from them for some speciall ends, which since God hath revealed to this latter age, and therefore he gave to them an extraordinary spirit of patience and courage, which is inconvenient for these dayes wherein God hath afforded a more plentiful light, and shewes us our liberty, and that there is no necessity of being Martyrs. It is now the wickeds turne to suffer. I will set downe his words at large, for they are so strange, sober men might doubt the faith of a relater.

‘ Certaine it is, That the frame and tenor of Gods after dispensations did require, that such a liberty should be hid from them; or at least, that they should not make use of it; as on the contrary, the nature and purpose of those dispensations which God hath now in hand, requires that this liberty should bee manifested, and known unto Christians. Wee know, that according to the counsell and foreknowledge of God, Antichrist was then to come into the world: as now wee know that he is about to be destroyed, and cast out of the world. Now this is a generall rule, looke what truthe were necessary to bee shut up, and concealed from the Churches of Christ, that Antichrist might passe by, and get up into his throne; the discovery and letting out of the same into the world, are necessary for his pulling downe, &c. But God causing a dead sleep (as it were) to fall upon those truthe which should in speciall manner have opposed him, he had the opportunity without much contradiction or noyse to steale and convey himselfe into that *carhedram pestilentia*, that chaire of Papall state, which yet he possesseth. Now amongst many other truths which were of necessity to bee layd a sleep, for the passing of this beast unto his great power and authority, and for the maintaining and safeguarding of him in the possession hereof, this is one of speciall consideration; That Christians may lawfully in a lawfull way, stand up to defend themselves, in case they be able against any unlaw-

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full assaults; by what assailants, or by what pretended authority soever made upon them. For had this opinion beene timemously enough, and substantially taught in the Church, it would certainly have caused an abortion in Antichrists birth, and so have disappoynted the Devill of his first borne. Had not the spirits, and judgments and consciences of men beene as it were cowed and marvailously imbased and kept under (and so prepared for Antichrists lure) by doctrines and tenents, excessively advancing the power of superiors, over inferiors, and binding Iron yokes and heavy burdens upon those that were in subjection, doubtlesse they would never have bowed downe their backs so low, as to let such a beast over them, they vwould never have resigned up their judgements and consciences into the hands of such a spirituall Tyrant as hee. So that you see, there vvas a speciall necessity for the letting of Antichrist into the vworld, yea and for the continuance of him in his throane, that no such opinion as this vvhich vve speake of vvwhether truth or untruth, should be taught and beleaved; I meane, vvwhich vindicateth and maintaineth the just rights and liberties, and priviledges of those that live under authority and subjection unto others.

Whereas, novv on the contrary, that time of Gods preordination and purpose, for the downefall of Antichrist, drawing neere, there is a kind of necessity, that those truths vvwhich have slept for many yeares, should novv be avvakened; and particularly that God should reveale and discover unto his faithfull Ministers, and other his servants, the just bounds and limits of authority and povver, and consequently the just and full extent of the lawfull liberties of those that live in subjection. Evident it is that they are the Commonalty of Christians, I meane Christians of ordinary ranke and quality that shall be most active, and have the principall hand in executing the judgements of God upon the Whore. Consider that place, *Revel. 18. 4. 5. 6.* Novv that this service shall be performed unto God by them (Christians I meane of under ranke and quality) contrary to the vvill, desires, or commands of those Kings and Princes under vvhom they live, it appears by

that which immediately follows, v. 9. pag. 30 § 1, 32. The peremptory conclusion of all is, that the lawfulness of Rebellion is now discovered to Gods Church as the necessary means to ruine Antichrist; for the Kings will never be perswaded to effect this great and holy worke, and therefore the People must.

Whereas the Text saith expressly, That *the ten Kings shall hate the Whore, and shall make her desolate and naked, and shall eat her flesh, and burne her with fire. For God hath put in their hearts to fulfill his will*, Revel. 17. 16, 17. Least the people should be frighted by this (as they justly ought) from making rebellious attempts against lawfull authority, because that in Gods good time will arme them, and fight joyntly the Lords battaile against the Beast, he labours to remove this scruple. I conceive, saith hee, *this is not meant of the persons of Kings, but of their States and Kingdomes* (id est) *of the generality of the people under them.* Master Goodwin, pag. 32. The King shall hate the Beast, that is, the people shall hate their Kings, and religiously rebell against them in order to the destruction of Antichrist.

The same Doctrine is delivered by Master Burroughs. *There is a necessity that in these times peoples consciences should bee further satisfied in their liberties then formerly, because the time is (wee hope) at hand for the pulling downe of Antichrist, and wee find by Scripture this worke at first will be by the people*, Revel. 18. pag. 144. and for a close, pag. 145. *Surely the right knowledge of these liberties God hath given the people, will much helpe forward the great things God hath to doe in this latter age.*

I must confesse, my heart is filled with sorrow, when I consider how farre the reformed Religion is degenerated, which can be no longer pure then it continues peaceable. But alas! it is become the mother and nurse of Rebellion; it fomentes sedition; and advances the ruine of States. What a sad thing is it that factious Preachers should so farre bewitch the people by strong delusions, as to prevaile with them to neglect plaine duties of subjection and obedience upon the strength of obscure prophecyes? whereas they ought to live according to precept, not predictions; many of which shall not bee fulfilled but by
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the finnes of wicked men: Blesse me O Lord from being an instrument to bring such thy workes to passe. It is our onely safe way, not to doe evill that good may come of it. The Apostle forbids it, and the reason may be this, God hath no need of the sinfull man. Why shouldst thou cease to be good, for feare God else would not be true? *Babylon* will certainly fall, though wee walke uprightly; to feare God and honour the King, are no stops to the destruction of that man of sin. After such fiery spirits have engaged the Kingdome into probable wayes of utter ruine and delolation; after your hands have beene imbrued in the blood of the ancient Nobility, and you have miserably torne in pieces the brave and honest Gentry, and exposed the seduced Commons to those fatall mischiefs, which accompany the Sword, Pestilence, and Famine, and the bleeding State shall at length grow wise, and unite againe for the preservation (if it be possible) of the ruinous remainder, rather out of a wearinesse of the insupportable calamities of Warre, then out of a Christian love, which would have continued unto us the blessings of peace; All the satisfaction which these false Prophets can give, for the unspeakable mischiefs which they have pull'd upon their unhappy Countrey, will be onely this; *Wee were mistaken in those places of Daniel and the Revelation; The time, it seemes, is not yet come, The Saints must still expect, and Gods holy ones must waite and pray for a more happy opportunity to perfect the great Works by Rebellion.*

There is a mutuall contract betweene King and Subjects, and if Ext. He breake the Covenant, He forfeues the benefis of this agreement, and He not performing the duty of a King, they are released from the duty of Subjects.

The Jewes could have made this plea, grounded in the nature of a Covenant, the breach of which (though instituted by God betweene King and People, *Deut. 17.*) was no dispensation for them to Rebell, as was evidenced formerly. The Kings of *Persia* though confessedly Supreme, and not responsible to their subjects, yet tooke an oath, at their inauguration as *Zenophon* and *Diodorus Siculus* informe us, and it was not lawfull for them to alter certaine lawes, as appeares in *Daniell*, neverthelesse

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thelesse their miscarriages in government, did not dispence with their Subjects loyalty. If a Father promise any thing to his children, they have a full right to his performance; but in case he prove dishonest, hee doth not thereby loose his right to governe them, nor are they excused from their duty of honour and obedience: So there is a contract betweene Husband and Wife, the violation of which on the mans part doth not bereave him of his dominion over the woman. I confesse, a great obligation lyes upon Kings, not only from their Oathes and promises, and agreements, but expressly from Gods law also, to governe the people committed to their charge, with justice and equity. And if they abuse their power, Gods punishment will be as high as their ingratitude. The greatest temporall favour which God bestowes upon any single man, is to make him his Vicegerent, his immediate Deputy, *Christum suum*, his anointed; and the greatest blessing he hath given to mankind is government, by which hee hath provided for the common good of all. Now if he turne this blessing into a curse, if he who is set over a people to punish evill doers persecute those who doe well, he must expect a fearefull judgment from the Almighty, it is pathetically exprest in *Wisdom. 6. Have therefore O yee Kings, and understand, learne yee that be Judges of the ends of the earth. Give care you that rule the people, and glory in the multitude of nations. For power is given you of the Lord, and sovereignty from the highest, who shall try your works, and search out your counsels. Because being ministers of his kingdomes, you have not judged aright, nor kept the law, nor walked after the counsell of God. Horribly and speedily shall he come upon you: for a sharpe judgment shall be to them that are in high places. For mercy will soon pardon the meaneest: but mighty men shall be mightily tormented. For he which is Lord over all, shall feare no mans person: neither shall he stand in awe of any mans greatnesse, for he hath made the small and the great, and careth for all alike: but a sore triall shall come upon the mighty.*

Thus much is granted, but to conclude from this obligation that a not performance induces a forfeiture of his crowne, and that we may make hostile resistance against unjust commands,

is a very weake way of reasoning. For consider with your selves; is there not a mutuall duty betweene husband and wife, parents and children? Fathers must not pvoke their children to wrath, but bring them up in the nurture and admonition of the Lord, *Eph. 6. 4.* Husbands should give honour to their wives as unto the weaker vessels, *1 Pet. 3. 7.* Suppose some fathers prove scoward, some husbands unkind, yet cannot their faults dispense with the duty of children and wives. The King — *Urbi pater est ubique maritus*, is both husband and father, not to single persons, but to the Commonwealth. There are many resemblances in matrimony which will afford great light to the better understanding the duty of Subjects. The consent of the woman makes such a man her husband, so the consent of the people is now necessary to the making Kings (for conquest is but a kind of ravishing, which many times prepares the way to a wedding, as the Sabine women chose rather to be wives, then concubines, and most people preferre the condition of Subjects though under hard lawes to that of slaves). If we apply their arguments, their Sophistry will clearly appeare. For *Quicquid efficit tale, est magis tale*, and *constituens est major constituto*, bestowes upon women the breeches, as well as the Crowne upon the people, and *numquodque eadem potestate dissolvitur, quâ constituitur*, gives the same licence to a woman to cast off the bonds of wedlock, as to subjects those of subjection. As in marriage, so in monarchy there are two patties in the contract; though without a mutuall agreement there could be no covenant, yet after it is once made the dissent of the inferiour party, let it be not upon fancied, but reall discontents, cannot dissolve the compact. Consent therefore joynd man and wife, King and people, but divine ordinance continues this union; marriages and governments both are ratified in heaven. *Quæ Deus conjunxit, homo ne separet*, whom God hath joynd, let not man put asunder; They must take their King for better for worse. It is very observable though it was permitted to the man in some cases, to give a bill of divorce, yet this licence was never allowd to women; so fathers might abdicate their children, not they their fathers, women cannot unmarry, nor the

people unsubject themselves. Any shall mistake with the disciples, if the case be so, it is good not to marry, it is good to live without a King; they ought to consider that God is wiser then they, and best knowes how to order things for the good of mankind.

That I may (if it be possible) undeceive the misled multitude; I shall grant if a people choose one man, and bestow the name of King upon him, yet if they retain the supreme power in themselves, and expresse it by making a law that in case he shall do such and such things, he shall forfeit his right to governe, then it is very lawfull to depose him upon breach of such conditions. For then this state is a Democracy, and the legall power is in the people. Such a case is very possible, for if the royall line in any Kingdome should faile, & there want one descended from his loynes to sit upon the thron, then, as a woman after the death of her husbands is free to marry to vvhom she vwill in the Lord, so the people may make what government they please, they may call one King, and place their Ephori or Demarchi and Tribunes over him. It is not materiall that this is not so vvise a govenment, for it is not prudence, but such a consent, not the understanding, but the vvill of the people that constitutes the forme. In such a state hostile resistance against him (though called King) may bee a just vvarre, because the law enables them to fight, and the Prince may be a rebell and Traytour.

Let them prove that *England* is no Monarchy; that they are not bound to beare true alleagiance by a necessary obligation flowing from the civill constitutions of this realme; that they may lawfully kill him, whose life they have sworne to defend with their utmost power; let them produce any law which gives power to English Subjects to traine, array, muster without the Kings authority, that I may not say against his expresse command, and to the end they may destroy him; vvhen they have done this and confuted their oathes of *supremacy* and *fidelity*, and made it appeare to the vvorld they vv ere forsvorne, I vvill cease to presse them vvith that of *St. Paul*, *You must needs be subject, not only for wrath, but also for conscience.* I vvill then direct

direct my speech to the King, and indeavour to persvade him to submit to the People, *under whom* he governs. But since they doe not so much as pretend any law, but justify their Rebellion only by (that word fatal to this Kingdome) necessity, and lay downe a Principall, fit to disturbe the peace of all nations, that vvhhen dangers threaten, lawes must give place to discretion, and the subjects birthright, liberty, and property, must be sacrificed to a few ambitious mens *ragioni di stato*: I thinke I am bound in charity to admonish them in vvhhat a desperate condition they are. *Those who resist, shall receive to themselves damnation.* All that they gaine by manning the ruine of their Country, vvhill not countervaille the losse of their soules. I remember the saying of the Prophet. *The prudent shall keepe silence in that time, for it is an evill time,* Amos 5. 13. But I value not safety, in comparison of honest (though vveake) endeavours to do service to the publike.

Some state is thus; elective Kingdomes are subject to forfeiture, but not successive. These men give but small satisfaction, because they build upon a very unsound foundation. For succession is no enlargement of right, but only a continuance of that which the first had; elective Kingdomes are not forfeitable, except there be some expresse law, which places a power in the people to rule their King, and governe their governour. It is plaine, the Roman Emperors, though chosen, were absolute: and successive Kingdomes, if there bee any such expresse law are forfeitable; it is as plaine, the Spartan Kings, who were hereditary, might be legally deposed in some cases.

The unlawfullnesse of hostile resistance against the King of England is supported by a surer foundation, viz. the knowne Lawes of this Realme strengthened by divine ordinance: the necessity of our allegiance is demonstrable from the fundamentall Lawes of this Kingdome. I shall onely desire my Readers to consider the nature of this government; and they must evidently discern, that fight against the King is Treason and Rebellion.

I vvhill lay downe nothing, but vvhhat sober men shall have as little reason to doubt of, as to beleieve, that the King vvas

despil'd and scorn'd, in order to be made glorious, and that they endeavour'd to kill him in order to his preservation. So at *Edge-hill*, but before they were more cruell and reserved for him something worse then death to live under their command; *Instrumentum servitutis, haberent Regem*, they would make him the unhappy instrument, to raise them to honours in the ruine of his good Subjects. The Duke of *Normandy* invaded *England* with a potent Army, and made himselfe King; what our *Lavves* were under the *Danes* or *Saxons* (by whom wee were likewise conquered) doth not much concerne us to examine, (no more indeed then it doth to know the ancient *British* Lawes and Priviledges, which were taken avay by them, and the true owners were beaten out of their rightfull possessions and inheritances) for he inverted the Government, altered the Lawes, disposed of possessions to his *Norman* followers, (whose blood runnes in the veines of our most ancient Gentry) and made all, as well *English* as his native Subjects, feudaries to him, so that he remained *Directus dominus*, Lord Paramount, or overlord in the whole Land; that we may make no scruple of this truth, the Lawes given us by him, and which we are to live by now, are written in his language. However we state his entrance, whither by the sword, or to avoid the envy of that title, by a voluntary submission of all to him, as to their Sovereigne; the conclusion cannot vary, because the duty of non-resistance arises from their owne act, they taking an oath to bee his true and loyall Subjects. It is objected, *If he came in by force, hee may bee turned out by the same title*. *De jure* hee cannot; in this case, *Quod fieri non debuit, factum valet*; for though conquest be a name of greater strength onely, and bee not it selfe a right, yet it is the mother of it. Because when the people are in their power, for feare of harder usage, they passe their consent to be his faithfull Subjects, and to be peaceably governed by such *Lavves*, as he shall, or hath given them: This subsequent Act gives him a full right to the Crowne. To speak to the present case, he for his owne security, and, because it was the necessary meanes to enable him to protect his Subjects, retains the right to dispose the *Militia* of the Kingdome, which

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continued in his Successours even to this day (though now violently invaded by Subjects through vertue of an *Ordinance* , of which no times can afford a president) and all Subjects of what condition soever , were bound to doe *homage* , and beare fealty to him , which was inconsistent with taking up Armes against him. That he might sweeten their subjection , *Quadam jure patris minuit* , he restraines his absolute right by compact , & bestows some liberties & some priviledges upon the people (who commonly *nec totam servitutem pati possunt , nec totam libertatem*) and these Acts of Grace he confirms unto them by such security as should not endanger his person nor regall authority , that is , by promise and oath , and not by giving to his Subjects legall power to un-king him , if he should not performe covenant ; knowing full well , that though hee should not really breake it , yet a pretence he did so , might upon the first opportunity create a civill warre ; (and therefore his Subjects had as little reason to accept , as he to offer so pernicious security , as would put both parties in farre worse condition) for if Rebellion should be allowed in any case , that case would be alwayes pretended , and though the Prince were just , and wise , and religious , yet ambitious men to compasse their owne ends , would impute to him oppression , weaknesse , and that notwithstanding his exemplary practise in his publique devotions to the contrary , he did but handsomely dissemble , and favoured a false religion in his heart .

The method of that Rebellion in the reigne of *Henry* the third , which made *France* extremely miserable , is very observable . A factious party of the Nobility and Gentry , a seditious party of the Clergy , and an unfortunate party of the seduced Commonalty , entred into a *holy league* against their lawfull Sovereigne , upon pretence he was misled by evill Counsellors , and favoured the reformed doctrine , notwithstanding he was even superstitiously strict in his devotions , in conformity to what the *Roman Church* enjoyned . When potent Armies were raised , ready to swallow him up , yet out of a vehement desire to undeceive his people , and to discover to the whole world the ungrounded malice of his adversaries in such unrea-

sonable imputations, he refused the honest assistance of faithfull Subjects, because Protestants, to his owne and their probable destruction.

Many of King *Williams* Successors did enlarge the Subjects Priviledges by divers Acts of Grace, which they swore to maintaine, but never gave them such security as should alter the nature of Monarchy, by granting authority to their Subjects to force them to observe promises, and to make satisfaction for true or fancied violations.

Hence it appeares, that the originall was conquest (as it is of almost all the Kingdomes in the world) which occasionally conveyed to him full right, because they yeilded themselves, and consequently what they had to the Victor; the Lawes which he or after Princes made for the benefit of the Subject, were severall limitations of this right, and therefore where Lawes cannot be produced to the contrary, there the Kings power is absolute, and no speciall cases can be determined by the Subject to the Kings disadvantage. The moderation of his power was by his owne compact, which he could not violate without injustice, yet the breach of it could not indanger his personall safety, because he gave no jurisdiction to his Subjects to force him by strong hand to doe them right; and if he had done so, he had made himselfe in such cases their subject. What ever we can claime as due now, is by vertue of the Kings grant; and therefore it is said by *Hen.* 3^d, in his ratification of the great Charter, *We have granted and given to all the free-men of our Realme these liberties.* 9. H. 3. The whole Land was the Conquerours, he gave part of it as a reward for their service to his *Normans*, and other parts to the ancient Inhabitants; and their heires after them, yet so as he altered the tenure, and made it descend with such burdens, as he pleased to lay upon them: They hold them but in *fee*, and therefore are bound to certaine services, and to doe such and such duties upon paine of forfeiture; in case of Treason and Rebellion their lands are his owne againe, and returne into his disposall. If Subjects breake their Covenant and prove disloyall, all their rights are forfeited by expresse Law; if Kings breake their compact, no forfeiture fol-

followes: The reason of this inequality is, because the King gave Law to the Subject, the Subject did not give Law to him.

Another exception is, *If a King exercising tyranny over his people, may not be resisted, hee and his followers may destroy the Kingdom.*

This is easily satisfied, if we consider in what condition we were when conquer'd, and how that to avoid a certaine ruine (for he might have rooted us out for his better security, and planted this Land with his native Subjects) we submitted to an onely not impossible, that is, a most extreamely improbable destruction. For it is an unheard of madnesse, that a King should be such an enemy to his owne interests; It is in our power to kill our selves, and yet we are not affraid of our selves, because there is a naturall dearenesse implanted in us, which secures every one from selfe-wrong; we have as little cause to be troubled, that it is in his power to make himselfe no King, by destroying his Subjects; The King perishes in the ruine of his people, and the man onely survives, exposed to the hatred and scorne, and revenge of mankind. *Sine quibus imperes*, is a strong antidote against this unreasonable feare. Secondly, no policy can give an absolute security; we must trust some body, by which a way lyes open to a possible mischief, but many most probable and certaine inconveniences are thereby avoided. Thirdly, we have good grounds to rely upon divine providence, if we doe our duty; for the hearts of Kings are in the hand of the Lord, he will put a hooke into the nostrils of Tyrants, and though we may be chastised for a tryall of our patience, or punished for our sinnes, yet he will not permit them to bruise his children to pieces.

We are bound by the naturall affection we owe to our Country to be active in restoring it to happinesse, by removing such a curse from the land.

We must not doe evill, that good may come of it. Some reply, this precept obliges private men, not Magistrates; especially aiming not at any particular, but the publique good; a pious intention to advance this, excuses from sin. Certainly it will

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concerne all such as meane to goe to heaven; they may as well tell us, Magistrates may lawfully steale, or commit adultery, if they sin for the Commonwealth, that is, plunder in hopes to finde letters amongst malignant goods, or lie with other mens wives, to unlocke their breasts, and discover such secrets, where by they may more easily cut their husbands throats, as being in their Catalogue of evill counsellours or enemies to the State: They may aswell challenge a Priviledge to breake all the Commandements for the Saints advantage. If then we may not doe evill, though we propose a reall good as the fruite of sin, certainly those, whom divine ordinance commands to be subject, cannot usurpe office and rule, and take upon them to judge their Judges. If revenge be unlawfull in private men acted upon private men, how much is it a higher sinne, upon the Magistrate? By whom alone Christians can right themselves, and therefore their hands are bound from being used against him.

Exc.

Selfe preservation is justifiable by the law of nature.

Ans^r.

I grant this; hands were given to men for this purpose. This right to defend our selves flowes from hence, that by an inbred affection every one is most deare to himselfe, and it doth not alwayes presuppose a fault in those who endanger our lives. For if they set upon mee, mistaking mee for another man, who hath injur'd them, or if they are lunatique, I am no more bound naturally to give up my life to madnesse or errour, then to the ravenous fury of wolves or lions. It is very truly determined by the civil law in reference to nature; *Jure hoc evenit, ut quod quisque ob tutelam corporis sui fecerit, jure fecisse existimetur. L. in vim. D. de just. & jur.* But this will nothing advantage them in the present case. For by that which they call *Law* of nature, is meant onely *right* of nature, which is not a command, but a permission onely, and therefore it may be, and indeed it is actually restrained by positive constitutions, whether divine or civil. For example, all things were common *jure naturalis*, by the right of nature, and yet the lawes of property are now binding to us. Hence is discovered the hollownesse of their discourses upon this principle. *It is the most naturall worke in the world for every thing to preserve it selfe, and therefore when a Commonwealth shall*

ſhall chooſe a Prince or a State officer, though they truſt him with their welfare, then that act of their truſt is but by poſitive law, and therefore cannot deſtroy the naturall law, which is ſelfe preſervation; cum humana poteſtas ſupra jus nature non exiſtit, ſeing that no humane power is above the law of nature. So Maſter Bridge in his wounded conſcience. p. 2. Upon the ſame principle he muſt conclude, Society, which was regulated by the paſſions of men; cannot take away our native liberty. For *jure naturali omnes homines ab initio liberi naſcebantur. inſtit. de juſt. & ju. l. 2. §. 5.* nor can property which was eſtabliſhed by poſitive agreement deſtroy the right of naturall community. He muſt needs perceive the weakenefſe of his reaſoning. The answer to it is this, Humane power is not above the law of nature peremptorily commanding to doe ſuch a thing, and abſtaine from ſuch things (of this law Cicero ſpake, *hac lex diſfuſa eſt in omnes, eſt ſempiterna, a qua homines neque per Senatum, neque per populum poſſunt ſolui & liberari. l. 3. de Rep.* and Ovid makes it unalterable.

Naturam verò appello, legem omnipotentis

Supremi que patris, quam primà ab origine rerum.

Cunctis impoſuit rebus, juſſit que teneri

Inviolabiliter.)

But humane power is above the law or rather the right of nature, which doth permit a freedom of doing or not doing according to diſcretion. Elſe no contracts could be of force, becauſe by the law of nature men were free, and the obligation is poſitive, as ariſing from promiſe, vvhich it vvas in our power not to make, but having once made it, we have tied our hands from uſing native liberty. Of this permiſſive law Aristotle ſpake pol. 7. cap. 13. *Homines adductos ratione multa præter mores & naturam agere, ſi aliter agi melius eſſe ſibi perſuaſerint* and againe, ſome things of nature depend upon our choiſe and ceaſe to be of force, when we pleaſe, to part with our naturall rights, not all things. *πᾶρ ἡμῶν εἰσὶν τὰ μὴ φύσιν κινητὰ καὶ μὴ τοῖς πάν, Ethic. l. 5. cap. 7.*

Secondly, it concludes it lawfull for any private man to kill the King, or his owne Father, in his owne defence, which moſt of that ſide have diſavowed, and therefore they muſt acknowledge

ledge this argument is very hollow.

For the clearer understanding of the controversy, because I take no delight in confuting, but onely in the hopes of satisfying them, and I request them for their owne sakes, to weigh my reasons with the same moderation, and calmenesse, wherewith they are written: Selfe preservation is naturall; that is, Nature doth not forbid any man to defend himselfe, though he must thereby kill another; his destruction was not primarily intended, but he was forced to make use of such unfortunate meanes, in pursuance of no dishonest end, to retaine his owne right of living. But though nature doth not forbid it, yet the Gospell doth, as it restraines us of many innocent delights, if we measure them onely by naturall right. Private revenge is unanswerably prohibited by the Evangelicall law; Recompence to no man evill for evill; dearely beloved avenge not your selves, but rather give place unto wrath, *μη ἐαυτοὺς ἐκδικᾶντες*, it is not lawfull to right your selves, to doe your selves justice, *Rom. 12.* The strongest objection against it, which can be made, is, that we are not bound to love our neighbour better then our selves, therefore we may rather Kill then be Killed. (I speake onely against private revenge that is an execution of justice not commanded by law, for we may be bound, not to part with our lives, if the Common-wealth armes us, and injoynes us to defend our selves, because the preservation of the State is concerned in our safety, in that case, *Savitia est voluisse mori* —)

Ans.

I deny the argument; the antecedent is very true, but the consequence infirme; because we do not love him above our selves, though we part with our lives, rather then destroy His; For we shall thereby gaine eternall life, if we doe not contrary to the rules of charity, cut him off in his sinne, which will certainly damne him. If any make scruple, that themselves are sinners too, and so unprepared to dye, and therefore (as good reason they have) they may refuse to be damned, onely to leave their enemy in a possibility of being saved. These feares may easily be solved. Greater charity then this hath no man, then to lay down his life for his enemy, and it were very strange, if men should go to hell with as great charity, as the highest Saints are rewarded with

with heaven for. Perfect charity is the fulfilling of the law, and as effectually as universall obedience to Christs precepts, the condition of the Gospell. To resigne our lives, (that is, the capacity of serving God longer) out of conscience to obey him though against the strongest temptation, is such an heroicall act, that the excellency of it may supply the want of duration. It is an infallible signe of hearty repentance, and a most certaine argument of our serious turning from all sinne. For here is not onely godly sorrow for offences past, which is the doore and entrance into Christianity, but the perfection of it also, amendment of life, which is true repentance. For we sacrifice the pleasures and profits of this world, & what ever was deare unto us, while we remained carnall, nay we yeild up life it selfe against the most violent assault the flesh can make, to the will of God, who assures that to dye thus, is gaine, as also, whosoever will save his life, shall loose it, and whosoever will loose his life for my sake, shall finde it. For these reasons private revenge is unlawfull though upon private men, and therefore much more hath Christ disarmed us, from recompencing evil to the Magistrate, because there is some equality betweene mine and my neighbours life, but publique tranquillity, the common peace of a whole Kingdom (which is destroyed by civill warre) and the life of a single man, though innocent, are very unequall. Naturally we love society below our selves, for the end of it was to convey to us such and such goods, and that which is loved in order to something else, is lesse amiable: But morally and in Christianity we are bound to preferre the publique good to whatever private Interest. And the obligation is very reasonable; For if we submit nature to religion, and be content to loose our lives for the present, we shall receive them hereafter with great advantage. So that charity to our neighbour, and love of our selves, doe sweetly kisse each other.

It is lawfull to resist in Gods behalfe, and to preserve the true Religion; and to compassse the peace of Hierusalem by disturbing that of Babylon.

Certainely never any man made great improvement of his owne religion by raising Civill Warre, and Sedition and Re-

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bellion are very unfit meanes to beget devotion in the hearts of others ; this way is so unlikely to attaine to perfect godlinesse, that I am much afraid, by the unspeakable scandall of these non-christian courses, it destroyes even common honesty amongst men. Since the time of these unnaturall distractions, there hath beene a generall ebbe in our devotion,

Ex illo finire, & retro sublapsa referre

Res Cæli

Some with *Nadab* and *Abihu* offer strange fire before the Lord, which he commanded them not ; God in his good time may quench these flames, which sensibly consume both Church and State, and the unhappy incendiaries may be devoured in that fire, which themselves have kindled. Others are not at leisure to offer up the ordinary incense of prayer and thanksgiving, (though too many have been over gratefull, and when beaten in the field, they have triumph'd in the Church, and instituted solemn praises for the Almightyes preserving their party, in such a sense as they endeavoured to preserve their Sovereigne) If any time be spared to make their addressees to Heaven, their usuall voyce is as harsh in Gods eares as the drumme and trumpet, for he is generally invoked as the Lord of Hosts, who takes greater delight to be worshipped as the God of peace. Mutuall feares and mutuall injuries have so exasperated the minds of most men, that the defection from charity is much more common then that from allegiance. So that how religion thrives, be you judges ; I am certaine there is a great decay of godlinesse.

But to examine this colour of *preservation of true Religion.*]

First, all the *Anabaptists* and *Brownists*, and other Sectaries, who beleve us Idolaters for using the signe of the Crosse in Baptisme, & all such as joyne with them in fighting against the booke of Common-prayer and Episcopacy, established by the fundamentall lawes of this Kingdome, are evidently engaged in this Rebellion, not for defence of their old Religion, but to introduce a better and new Creed. Let me aske them, with what face they can hereafter object to Papists that their Religion is Rebellion, who may justifie rising up in armes against their

their lawfull Souveraigne, for the Catholique cause, upon these Puritan principles? The truth is, not all Jesuites doe maintaine it, and many Papists abhorre this seditious doctrine, agreeing with *Reffensis*, that *sicut Evangelium non dat regnum, sic nec auferre potest, lib. de potest, papa in tempor.* Christ came not to dispose of Kingdomes, nor to make them subject to forfeiture. The University of Paris hath very christianly determined it, *seditionum, impium, ac haeticum, quocunque quasito colore, à quocunque subdito, vassallo aut extraneo; sacris regum ac principum personis vim habere*, a seditious, impetious, and hereticall thing, for any Subject, Vassall, or forreigner, upon what pretexts or colour soever, to offer violence to the sacred persons of Kings and Princes, in their censure past, *June the 4th, 1610.*

A more dangerous tenent for turning States upside downe, and bringing all to confusion, was never invented then this, that *Regnum fundatur in orthodoxa Religione: Subiecti may cast from of their neck the royall yoke, if he will not submit to the yoke of Christ.* Their late Pamphlets speake out and tell us plainly, the quarrel is, whether *Jesus shall be King* By this meanes those who manage Christs scepter, will command the Kings, and hee must lay downe his Crown before the Presbyters. They have another principle nearely allyed to this, which hath too great influence upon their practice, *Dominium fundatur in gratia*, only the Saints, Gods elect, have right to the creature: wicked men and reprobates but usurpe the portion of the godly, and thereby increase their owne damnation, for they are the true helres, for our Saviour bestowved all upon them, *The meeke shall inheris the earth.* When wee thinke they plunder, they doe but distreine upon their owne goods; it is a recovery of what was due to them by the Gospell; to measure right by lawes is but to breake *evangelicall priviledges*: It is not theft, but charity to put the wicked in such a condition, as that they shall have lesse to answer for. If men of these opinions be tolerated, both reason and experience shew the peace of the realme is apparently endangered.

Secondly as it is unlawfull (and some of their owne writers confesse thus much, see Master *Burroughs*, pag. 123.) to

fight for Religion if the Lawes of the Land bee against it, (yet this is clearly their case, for they goe the destructive way, and would root out part of the established worship, though very much hath beene indulged to tender consciences even in this case) so it is against the civill constitutions of this Realme, and consequently against divine ordinance to take up armes against their King, though he should really favour another Religion, and countenance by his practice superstitious rites; nay, though the professors of the true and sealed religion should be illegally grieved. Here were an opportunity to shew their christian fortitude, to make use of their *spirituall militia*, faith, humility, and patience, and not to contradict their calling, and discredit the crosse of our Saviour by taking up carnall weapons. I wish from my soule, all such as pretend to the Reformed Protestant Religion, had beene unblamable in this respect, and that they had rather chosen to manifest their christian, then their martiall spirit. Wherever armes have beene lifted up against their lawfull Magistrates, though they were unjustly afflicted for the testimony of a good conscience, I cannot excuse them from resisting the ordinance of God, Who would have beene glorified in their martyrdom. I am sorry to meet with objections drawne from the unwarrantable practise of some, which doe not conclude you innocent, but that others were likewise faulty. I am certaine the primitive Christians were better catechised, and wee read the same doctrine of true patience in their lives as in their schooles, which taught them to take up Christs crosse, and to follow him in that yoak in which he drew; They fought not against their Atrian Emperours in defence of the Nicene Creed; no rebellion was undertaken by them under colour of preventing their consciences from being forced: which is indeed an impossible thing; we may be robbed of our goods, we cannot be plundered of our religion. Did not Christianity thrive upon persecutions? *Sanguis martyrū, semen ecclesie*, The blood of the Saints made their surviving brethren fruitfull in good workes. Their patience wearied the cruelty of their adversaries and gained innumerable converts, who began to suspect christianity was true, when they saw it

so powerfull as to make the professors live with so much innocence, and dye with so great meekenesse, and to neglect all earthly interests in expectation of Heaven.

Though private men should not, yet *Inferior Magistrates* *Exc.* may force him who hath the *Supreme power*, to rule according to justice and the established *Laws*.

The same reason which disables private men from righting themselves concludes likewise against inferior Magistrates, that is, want of Jurisdiction. For if opposed to him whose authority only can alter the nature of revenge, and make it justice, for *inferior in superiore non habet imperium*) they are but private persons. It is an unreasonable, impossible thing, that men should be obliged to obey two Masters commanding contrary duties, because this would impose upon them a necessity of sinning, which must be layd upon him who was the author of that necessity; And therefore God hath appointed a convenient subordination in all authorities. *Ut sol delet minora sydera*, as the lesser lights are extinguishd by the greatest Luminary, the fountaine of all light; so minor jurisdictions must give place to him who is the fountaine of justice. If God command one thing, the King another, wee must be obedient to divine ordinance, because wee cannot be subject to mans command for conscience sake, against him who hath the sole authority to oblige conscience. So if the King command one thing, and his Ministers, inferior Magistrates another, wee must submit to regall power either by obeying, or suffering, because they can challenge our obedience onely by virtue of his authority. and this cannot be set up in an hostile way against his person. Whether it be reasonable to obey the Kings Officers, who can doe nothing but in his name, against the King, judge yee. Souldiers are bound to execute the command of their Captaine, yet not if they are contradicted by their Colonell, and he must not bee obeyd against an expresse order from the Generall. In thus doing, *St. Augustine* and reason also assure us, wee despise not the power, but choose to submit to the higher; lesser Magistrates have no just grounds of complaint, if wee preferre the supreme, for in reference, to the highest, their magistracy ceases, and they

they become our fellow Subjects. *Let every soule be subject to the higher powers* saith Saint Paul. We must obey the King, and His Officers also, as they represent the King, (for *quod per officarios facit, per se facere videtur*) and they must be obedient as well as wee, as they represent Subjects. Thus *Nehemiah* receiving commission from *Artaxerxes*, armed his countrymen against those who governed under the King. Saint *Peter* very oppositely differences this duty in respect of King and Magistrates. *Submit your selves unto the King as Supreme, but unto Governours as unto them, that are sent by him, and derive their power from him, and are His Ministers to execute His commands,* 1 Pet. 2. vers. 13. 14.

Ext.

It is objected, (but very impertinently) if a King command against established Lawes, and inferior Magistrates according to the Law, they ought to be obeyed.

Ans.

This comes not home to the case; I grant, obedience to the Kings command against law, is unvarrantable; but this doth not conclude the lawfulness of hostile resistance. Wee doe our duty in submitting to His legall will, though against his Letters or word of mouth, for hee hath obliged us so to doe, and by his owne grant hath restrained his right to recall and abrogate Lawes, except by advice and consent of both Houses in Parliame^{nt}. If He be offended without cause, we are bound by christian and civill constitutions to submit though to His unjust wrath. If they meane to conclude their owne innocence, they must frame their Argument thus: If a King command against Law, and Magistrates resist according to Law, wee may without guilt take part with them. This is true if they resist according to Law; but this cannot be in a Monarchy; for if the Lawes grant a right of resistance in any case, when that case comes, the Monarchy is dissolved, for those who are enabled to take up armes against Him, are His equals or colleagues at least; the union is destroyed, and they are not to be esteemed Rebels then, but just enemies, because they cease to be Subjects. They cannot vindicate themselves from Treason and Rebellion, except they can produce some Law of England which dispenses with their Allegiance in such cases, and shew that our civill constitu-

constitutions are so framed, as to make *Bellum Civile*, *Bellum armique justum*, a Civill Warre, a just Warre of both sides in the law notion, which cannot be, except there be two supreme authorities to proclaime and manage it. That this is not so, the Houses shall give testimony against themselves, for they acknowledge themselves in their addressses to His Majesty, His humble and loyall Subjects assembled in Parliament.

Another maine exception, and which they most triumph in, *Exc.* is this, (I will deliver the words of one of them, who hath expressed it the most fully) *As it is a Parliament, it is the highest Court of Justice in the Kingdome*, therefore hath power to send for by force, those that are accused before them, that they may come to their trial, which (if I mistake not) power inferior Courts have, much more the highest. 'Tis out of doubt agreed on by all, that the Parliament hath a power to send a Serjeant at Armes to bring up such an one as is accused before them, and if they have power to send one Serjeant at Armes, then twenty, if twenty be accused, and then a hundred, then a thousand, then ten thousand, if ten thousand be accused, and so more or lesse as occasion serves; for there is the same reason for two as for one, for a hundred as for twenty, for a thousand as for a hundred and take away this power from the Parliament, and 'tis no longer a Parliament. But the King, and His Forefathers have by Law settled these Liberties of Parliament, and therefore according to Lawes they have a power to send for by force those that are accused to be tryed before them, which they cannot doe, unlesse they raise an Army vvhhen the accused are kept from them by an Army. *Master Bridge, in his Wounded conscience, pag. 6.*

First, the House of Commons is no Court of justice, it hath indeed by speciall priviledge for it's better regulation, power over it's owne members, to imprison or turne out, and this power though at any time abused against justice and equity, and contrary to the trust reposed in them, both by King and people (as if men should be committed for delivering their opinions freely because their reason was not so happy as to concurre with the sense of the House, which may possibly bee the passions of the major part; or if some should bee accused and others pass by, though of knowne guilt in the very same particulars, as having

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an hand in monopolies, &c. and so not the *cause* but the *person*, be made the measure of right & wrong) yet this misused authority hath the effects of justice and right, & makes the act legally valid. But the House of Commons hath no jurisdiction over those who are without, except at most in case of breach of Privilege; it cannot judge or condemne any, no not so much as examine upon oath: so that the argument is, the Parliament, that is the House of Lords, as the highest Court of justice, may legally raise an army, without the consent, nay against the command of the King, it concludes too without the consent, & if they please, against the expresse will of the Commons declared to the contrary. This doctrine once, since this Parliament sate, would not have been so pleasing to the lower House, that they would have taken care for printing it by Order from their Committee. There was a time when one of this House professed openly, he hoped to see that skie fall too, and the Lords were put in minde, they sate but in personall capacities (whereas Knights were shires, and Burgeses were townes and Cities) and therefore it was thought fit to give them warning and to admonish them to take heed how they thvarted the representative Kingdome.

Secondly, by the same reason Judges of inferiour Courts, out of Parliament at least, may raise an army to fetch in delinquents; if the framers of this objection, had consulted with those Sages, they would have better instructed them in the lawes. In cases of such high consequences, it was the custome of the House of Peeres to advise with these Oracles, to take directions from them, at least to know their opinion, and the reasons of it, because they had employed their whole time and studies to finde out the true meaning of the lawes.

Thirdly, To discover their mistake and the inconsequence of the argument, *There is the same reason for twenty as for one, and so for an hundred, for a thousand, for an army, &c.*

The reason is not the same; because when a few are sent out, the administration of justice doth not indanger the common peace. But because a warre doth put the whole Kingdome in manifest perill of being ruined, therefore when either reall delinquents, or pretended to be so, are so many, as to make the tryall doubtfull, the liberty and right of inferiour Magistrates to fetch

fetch the in by force, is in this case restrained by expresse lawes, which provides very prudently, that no warre shall be made, except authorized by the supream governour. And therefore also the lawes permit the King to pardon all offences against his crowne and dignity, supposing he will doe it, as sometimes out of goodnesse of nature, so sometimes out of the strength of his understanding, because not mercy only, but wisdom and prudence may prevaile with him to forget offenders, when they are so potent, that the uncertaine punishment of nocents, (for the worst cause may prevaile, as in the case of the tribe of Benjamin, so

Victrix causa Deo placuit, sed victa catoni)

must be bought with the unavoydable destruction of many innocent and gallant persons. Wherefore Serjeants at armes and officers may be sent by the House of Peeres, and consequently by Judges of inferiour Courts, and ordinary Justices, to force delinquents to appearance (though their crime ought to be specified, for to call them malignants or delinquents, is no legal charge) if they be not so many, as that they make such resistance, as cannot be punished without an Army; for a civill warre endangers all, and begets more faults then it punishes, and therefore the lawes referre the ordering of the common-wealth to him who is supreme, least inferiour Magistrates violently carried on, should out of indiscreet zeale to justice, expose the Kingdome to contributions, plunderings, and thousand remedilless injuries, more grievous then those they seeke to punish.

Warre against the person of the King is not resistance of the high- Exc. er power, but warre against his authority only, Buchanan right; Non igitur hic Paulus de iis qui magistratum gerunt, agit, sed de ipso magistratu, h. e. de functione & officio eorum qui aliis presunt, dial. de jur. reg.

This separation of the officer from the office (which hath created *bella plusquam civilia*, the King in this army fighting against himselfe in the opposite army) is made without all colour or shadow of reason, for though the authority of the King be some times where his person is not, yet his person cannot be where his authority is not, This is evident by the 25. Edw. 3. c. 2.

Ansiv.

which makes it Treason to compass the Kings death, by which must be meant to endeavour his personall ruine, because Regall authority never dyes in England. I have shewed formerly, that by not resisting powers, is meant, not resisting persons invested with such powers. For when Saint Paul hath forbid to resist the power, he explaines it by adding a reason drawne from the persons in authority, to encourage them to obedience; *for Rulers are not a terror to good vvorkes*, and so after, *for they are Gods Ministers*, ἁγῶνται in the masculine gender, which cannot be applied to ἐξουσία, that he might leave no ground of scruple, but plainly instruct us, that honour is due to their persons, and that all resistance to their persons is sinne, because of their authority. Saint Peter is as cleare, *Submit your selves to every Ordinance of man for the Lords sake*, whether it bee to the King as Supreme, or unto Governours, as unto them that are sent by him. Deodate expresses it very fully in his Italian translation, *Siate adunque soggetti ad ogni Podestà creata dagli huomini per l'amor del signore: al Re, come al sovrano, ed a governadori come a persone mandate da lui*. That wee may not mistake, he tells us, that by Power or Ordinance is meant *Persons* endued with power *ad ogni Podestà*, is, sayes he, in his glosse upon the place, *a Principi, Magistrati, Rettori* created by or amongst men *dagli huomini, o fra gli huomini per la conservatione e condotta della società humana*.

Jude, when hee condemnes despisers of dominion, and such as, δοξας βλασφημεῖσι, *speake evill of dignities*, v. 8. meanes to commend to us the same duty which Paul taught us out of the law, which is free from all ambiguity, and concludes for the persons. When *Ananias*, the high Priest, whose duty was to judge after the law, commanded him to be smitten contrary to the law, he (as was supposed by them) in passion returnes ill language, and being justly rebuked by the by-standers, hee confesses he ought not to revile the Priest, though he did evidently abuse his authority (much lesse ought he to strike againe) with pretence of honouring his authority, but not being bound to submit to his personall commands contrary to the law. *I wist not brethren that hee was the high Priest; for it is written, thou shalt*

Shalt not speake evill of the Ruler of thy people, Ait. 23. 5. St. Paul was unacquainted with this subtilty, which allowes to speake evill; nay, to make hostile resistance against men in authority, so they professe to honour the authority of those men. It is δύναμις, not ἐξουσία, (so Master Burroughs) his personall strength, not any legall power which is resisted, if he doe any thing against law, and this, sayes he, is not forbidden, We may resist men, though not powers, wee must not be subject to Will, but to law. p. 113.

His mistake lyes in this, that he thinks ἐξουσία, power, signifies the right and honest use of authority, whereas it signifies the right to use his authority, whether well or ill, 'tis all one to us for matter of submission to it, either by obedience or patience, because no resistance can be lawfull for want of a superior jurisdiction, by which onely wee can be enabled to call him to an accompt for his actions. The truth of this is made evident in *Job. 19. 10. 11. Pilate saith unto him, knowest thou not that ἐξουσίαν ἔχω, I have power to crucifie thee, and ἐξουσίαν ἔχω, I have power to release thee? Iesus grants it, and answers, οὐκ ἔχεις ἐξουσίαν ἐν μὴ, &c. thou couldest have no power at all against me, except it were given thee from above.*

By ἐξουσία, therefore are meant persons invested with authority. The reason which made *Paul* call Magistrates by the Abstracts, Powers was this, he wrote to Christians living in the Roman Empire, and it was the custome of the Latine Language to call persons endued with power, *potesates*, by the name of powers. You may observe it in *Ulpian, l. quid sit. D. de Edil. edit. §. 19.* and in *Augustine, epist. 48.* who saith, *sive potestas veritatis favens, aliquem corrigit, laudem habet ex illa, qui fuerit emendatus: sive inimica veritati in aliquem saviat, laudem habet ex illa qui fuerit coronatus.* Mark that, *potesas inimica veritati*, this must needs signifie a man abusing his authority. And in *Juvenal, An Fidenarum, Gabiorumque esse potestas*, and in *Suetonius, jurisdictionem de fidei commissis quot annis & tantum in urbe delegari magistratibus solitam, in perpetuum atque etiam per provincias potestatibus delegavit.* The moderne languages, Italian and French, which were bred out of the Latine, retaine the ancient

use of speaking, for *potesas* in French and *potesia* in Italian, expresse not the function onely, but the person which manages it. Thus anciently the Latine word for a Justice of peace, who now is called *justitiarius*, was *justitia*, as you may find in *Glav. lib. 2. c. 6.* & Roger Hovedens Annals: so our King is called in the abstract Majesty, as the Grecians Emperiours, *αγία βασιλεία*.

Many ridiculous consequences flow from hence, but I list not to make sport with that unhappy distinction which hath almost ruined as flourishing and strongly tempered a Kingdome as any in the Christian world. It exposes Magistrates, and all in authority to the contempt and injuries of the baser sort of people. For when discontented, it is very obvious for them to tell them a reverence is indeed due to their function, & therefore that they setting their office aside, will take liberty only to kick their persons, and that the *Magistrate* is not at all affronted, though the *man* be soundly beaten. It is against common sense to put such a difference betweene the *person* and the *authority* of the King, for if it were reall, neither God, nor the Lawes of the Land have made any provision for the Kings safety; for His authority is not capable of receiving any benefit, and therefore it must be acknowledged by all sober and reasonable men, that His authority doth but convey such and such priviledges upon the persons, who onely can bee sensible of them, and consequently whatever is attempted against his person, is attempted against his authority likewise.

Another cavill is taken from these words in *Rom. 13.* For *Rulers are not a terror to good workes, but to the evil; wilt thou then not bee afraid of the power, doe that which is good, and thou shalt have praise of the same.* For hee is the minister of God to thee for good. Their Argument is framed thus: A Magistrate is the Minister of God for our good, therefore he which is not a Minister for our good, is no Magistrate, and to resist him, is not to resist the ordinance of God, (which instituted Rulers for the peoples happinesse) but the faults and exorbitances of men, which endeavour to rob them of the blessings of divine providence, orderly government, and to make them bow downe under the heavy burdens of an arbitrary sway. Their conclu-

sion

sion (contradictory in it selfe) is plainly this: A bad Magistrate is no Magistrate, (as being a terror to good works, and giving praise to the evill, contrary to Saint Pauls definition of Rulers,) and therefore no honour is due to him, no resistance is forbidden.

The example of Christ commanding them to pay tribute to *Answ.* *Cesar*, as his due, the end of which was, that he should mind their good, though he neglected that duty, and his acknowledgment of *Pilates* power or right to judge, though he exercised it to the condemnation of the innocent, and Saint Pauls confession, that notwithstanding the high Priest commanded him to be smitten illegally (which in their language was abuse of will, not power) yet hee must not returne ill language, because he was the Ruler, do clearly evince their argument not concluding. *Saul* was a bloody tyrant, hee made the Priests a sacrifice to his cruelty, yet notwithstanding he continued Gods anointed. It were easie to instance in many examples, which shew the vices of man making ill use of the power do not voyd the ordinance of God.

There are, who answer these places very piously, but, as I think, not altogether to what Saint Paul aimed at. Rulers are not a terrour to good workes, and he is the minister of God to thee for good, that is, though they oppresse, nay kill innocent men, yet they cannot hurt them; For God will recompence their sufferings, it is in *bonum afflictis*, though *affligentibus in malum*, because all things worke together for good to them that love (that is, are obedient to) God, *Rom. 8.*

It seemes to me more probable, that the scope of the Apostle was to inforce the duty of subjection, pressed in *vers. 1.* by a second reason (for he had urged before, the ordinance of God) drawn from the benefits which will be reaped from Governours. And the motive is, the consideration of that happinesse, which wee have reason to promise our selves from the preservation of order, the end of which is publique tranquillity. This is enjoyed under very bad Princes, which will abundantly recompence some particular sufferings, whereas if wee should goe about to right our selves, when power is abused (to say

say nothing, that it would alwayes be pretended to bee so by ambitious men, who have this advantage, that the common people have but weake judgments in State matters (and yet appeals are especially directed to them, and since our miseries have growne upon us, the contrivance of our calamity was very visible; the farall arts which ruined this Kingdome were to make the meaner sort of men Judges of Policy, and women generally the Judges of Religion) and they are easily perswaded to reckon misfortunes amongst crimes, and to confound ill intentions with ill successe). If I say wee should take upon us to governe our Governours, because they rule not for our advantage, wee should pull upon our heads much greater mischiefs, Experience shewes, that Kingdomes suffer infinitely more by Civill Warre, then by the most Tyrannicall Princes: If wee call to mind the most vicious King that ever reigned in England, wee shall find, though he did injure some particulars, indulging to some inordinate affections against the tenor of Law, yet justice was favoured in the generall, and the greatest part of the Kingdome reaped the fruits of order. Whereas illegall endeavours to force him to amendment, introduce a cessation of all law and justice, and the Subjects will be plundered more in one night then the greatest monopolyes and most unjustifiable taxes of many yeares robb'd them of. The Apostles sense is expressed fully by *Tacitus*, *Ferenda Regum ingema, nequius esse crebras mutationes*. The reason why it is better for a people, though oppressed, to submit with patience even to a Tyrant, is this; if he be put to recover his owne by conquest, and prevaile, he may be tempted (as highly provoked) to rule them with a rod of iron, and to provide for future safety, by utter disabling them to hurt him: but if they get the better, their victory doth but confirme our calamity; wee cannot see any probable end of our unhappy distractions. Because forraigne Princes will certainly afford supplies for recovering his just rights (for it might suddainly be their owne case, and they are bound to it in State interest; that they send not aid sooner, is, because it is for their advantage to have a neighbour Kingdome weakned, but not the Prince ruin'd) and it is very unlikely

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he should ever want a very considerable party at home, many out of conscience, more out of discontent and envy towards their fellow Subjects, prosperous treason, endeavouring to restore their injur'd Souveraigne, to his undoubted Rights and Prerogative. So that *England* would be the unhappy scene, where the tragedies of *Germany* would be reatced. But grant a totall extirpation, and that they shall be able to go through with their wicked designe, and not only *branch*, but even *root* Monarchy also, (for this is aimed at by some, who feare it may sprout againe, if the stock be left) have wee yet at last any hopes of peace, when wee are so undone by warre, that wee have nothing left to loose but our lives? Truly no, then like theeves, when once secure of their booty, we should have a thousand differences in dividing the prey, all of them chall enging preferments great as their sinnes, and setting such a price upon their wickednesse, as the estates of all honest men will not be able to pay; it is not possible, what they have gotten can be pleasant to them, when they consider much more might be enjoyed, and sadly recollect the inequality of the recompence to the adventure; for their lives were exposed to the danger of the law, their reputation is lost with all good men, and their soules are eternally ruin'd. They would fall out amongst themselves, who was the greatest Traytor, & never yeeld precedency in mischiefs, because that is the measure of Sharing. Some would plead, they *contrived*, others, they *acted* the Treason, and thinke a subtile braine should have no priviledge above a couragious heart, it being more easie to fright the people by inventing false dangers, then to lead them on, and make them stand the brunt of true. It is beyond my skill to proportion the wages of sin, & determine, whether the *flye* and *cunning setter* or the *stout thief* can claim greatest share in the spoyle. But commonly the speculatively malicious men are miserably deceived of their expected requirall. For though they set the mischiefs on foot, yet their journey-men, quickly apprehending the mystery, are easily tempted to set up for themselves. It hath beene often scene, that to end such quarrells, he that was head of the conspiracy in reference to the active part of it, and who had force

enough to oppress a Tyrant, would use the same to establish himselfe their Lord and Master, and his government was so much the more rigid, severe, and miserable, because he was frighted with his owne example upon his predecessor.

This I conceive to be the Apostles sense, that wee must submit even to bad Governours (such they were when he wrote this Epistle) not only out of honesty, but prudence also, because if wee goe about to make them better, wee shall put the Kingdome, and consequently our selves, in farre worse condition.

After this explanation, I will reduce their Argument into forme, that I may thereby give more distinct satisfaction.

Non resistance is forbidden only to the powers ordained of God;

But powers used tyrannically are not ordained of God, therefore wee are not forbidden to resist them.

The assumption is absolutely false: For though tyranny be not the ordinance of God, yet the power (which is commanded to rule justly, but withall inabled to doe otherwise, for the use is left indifferent in respect not of the Magistrates, but Subjects duty, so that abuse doth not voyd authority, when (swerving from lawes) is of divine constitution. The obligation not to resist superiour powers receives not strength from mans justice, nor is it weakned or made null by injustice. *Saul* was Gods anoynted, and *Psalm* had authority from Heaven, notwithstanding the extreame abuse of it. Had the Apostle meant as they endeavour to perswade the world, considering what Governours the Christians then lived under, he had laid downe a doctrine of rebellion, whereas he labours to teach them patience.

Thus much in answer to their objections against what was delivered in the second Section; I shall now examine their exceptions against what was assumed in the precedent Section,

The King of England hath Supreme power.

Exc.

There is a mixture or coordination in the Supremacy, and the English Monarchy is compounded of three coordinate estates.

Ans.

I have shewed before, that a mixt Monarchy is a contradiction,

tion, and that by this name can only be meant, a restrained and limited Monarchy, that is, that such a King, though he have Supreme, yet hath not absolute power. By reason of this restraint from his owne grant and positive constitutions, active obedience is not due to his illegall commands, and by reason of his supreme power and sole right to make Warre and Peace, passive obedience is necessary.

Monarchy compounded of three coordinate Estates, in plaine English, speaks this nonsense, the power which one only hath, is in three joyntly and equally.

The ground of this invention, and so much fancied coordination, which our ancient Lawyers never dreamt of, may be this. If they meane by it, that the consent of all three Estates (I will not alter the new manner of expressing this government, but only take notice by the way, that heretofore, that Parliament was taken for an Assembly of the King and the three Estates, and that in all other Kingdomes likewise there are three States, the Clergy, the Nobility, and the Commonalty, distinct from the Head) are equally required for transacting such businesses as the King hath obliged himselfe not to doe without them, and that they have the right of a negative voice, wee shall indulge to them the name of *coordination* to two purposes, which are, making new, repealing old lawes, and supplying the Kings necessities, in such proportion as they shall think fitting. These are great democraticall advantages, but include no authority of making hostile resistance against their sovereign, in case he should do contrary to the established laws, These are still in force, till abrogated by joynt consent, and bind his conscience, but he cannot be forced to put them in execution, because he hath no superior in jurisdiction; and he hath no equall in managing *jus gladii*, the materiall sword, which is necessary to distinguish their resistance from rebellion, and give it the title of a just warre. For except they can prove themselves not be His Subjects, I am forced to tell them, if they fight against him, they are by the law of Nations and of this land worthily reputed Rebels, and by divine law they are assured of damnation.

Thus therefore; the two Houses, or two Estates of Lords and Commons, are not bound to submit their consent to the Kings command in matter of Subsidy, or taking away any ancient Law, if they conceive it disadvantageous to the Commonwealth; *Par in parem non habet imperium*, in those things in which they are equall, as a father and a sonne being joyned in commission; in this sence let them be called coordinate. Yet they are subject in all other things, and therefore may not take up armes without his consent, for this is destructive of their allegiance.

If there be a *coordination* in the supremacy, that is, if the King and Lords and Commons are jointly the supreme governour, the *correlatum* is wanting, none are left over whom they should Reigne, wee should have a Kingdome without a Subject, because all may challenge a share in soveraignty.

The Parliament not sitting, they will not deny the supremacy to be solely in the King, and certainly by calling His great Councell together, he doth not empty himselfe of any regall power; it were very strange our lawes should be guilty of such vanity to make a uselesse coordination, for if His rivalls should make any attempts upon His Prerogatives. He can legally dissolve them, (except when he hath past a particular grant for their continuance, and then the enlargement of their time of sitting, doth not enlarge their power) and after He hath dismissed the Assembly, (as the right to doe so is unquestionable) then He is Supreme againe, none being left to stand in competition. The cleare buisinesse is this, all markes of supremacy are in the King, nor is it any Argument of communicating His power, that He restraines Himselfe from exercising some particular acts without consent of Parliament, for it is by vertue of His owne grant, that such after acts shall not be valid. He hath not divided His legislative faculty, but tyed Himselfe from using it, except by the advice and consent of the Peeres, and at the request of the Commons, their rogarion must precede His ratification. I shewed this in the Roman Empire likewise, and yet none fancied, an equality between Subjects and the King or Emperour was thereby introduced.

As the *boutefeu* of France argued from the denomination of *Para Francia*, to make them equall with the King, so our Incendiaries from *Peeres* and *Comites*, to bring in a coordination, whereas it is evident that *Peeres*, referres not to the King, but signifies (as the Persian *ἐμπύροι* mentioned in *Zenophon*) Subjects in the same ranke of honour, and enjoying equall priviledges, one as another. And to make *Comites* is called by *Lampridius* in *contubernium imperatoria maiestatis asiscere*, our lawyers derive them from having that speciall honour to bee in *comitatu regis*: *Suetonius* calls them *comites peregrinationum*, *expeditionumque Tiberii*, They were of three ranks under the Emperours, *Comites intra consistorium* were the highest, and in the nature of privy counsellours, but created by the Emperour, the fountaine of all honour, and so not *similes altissimo*, equall to him, though exalted above fellowv Subjects.

The brieft is, the frame of government, as it is established by our lawes, clearly condemnes their undertakings, and therefore they have laid such a foundation, as will support the building. For if they can but prove that Parliament-men, and those who are stirred up to fight against their Souveraigne, are not the Kings Subjects, they have acquitted them from being Rebels.

We have scene the groundworke, and shall now take the superstructure into due consideration; the whole fabrick is comprised in that axiome so frequently applied to justifie all illegall proceedings. *Coordinata se invicem suppleant*, *Coordinates ought mutually to supply each others failing*, that we may not suffer whether by necessary or voluntary defects, and that the Kingdome may not runne the hazard of being ruined for want of supplementall lawes, and therefore when the King is perverse and will not joyne with them for the common good, they have full authority without him.

This would conclude as strongly for the power of enacting law without the King, which the Houses have disclaimed. It is true, this legislative authority is exercised under another name, let the Authors answer for practising what themselves have expressly disallowed. For it is but small satisfaction to the injur'd Subject, to tell them they challenge not a power to make stand-

ding Lawes, but onely temporary Ordinances: That is, they will take away their estates for the present, and then their votes shall be no longer binding, was not this the reason why such Proclamations are justly accompted grievances, as doe intrench upon the Subjects liberties or property? The Subjects are equally miserable, whither their birthright, the lawes of this land, are overthrowne by Royall Proclamations or Ordinances of one or both Houses.

Coordinata se invicem supplent, Coordinates supply each others failings; therefore if one refuse, the other two are enabled to doe it without him.

By the same logique, if the King and House of Lords joyne, the consent of the House of Commons is legally supplied, and they may constitute what they please without them. This is the evident doctrine of it, which yet is commanded by the House to be printed. If the King had sayd this, it had bene the greatest breach of Parliametary priviledges that ever had bene made. Posterity will have no reason to bee thankfull to them for disputing themselves out of the right of a negative voyce, onely that they may with some small colour (making use of an accidentall advantage, the major part of those few Lords, which remaine in the House now, joyning with them) take away from the King (what is as much his by law as the crowne he weares) his right to reject any Bill never questioned by our Ancestors, and it is very strange it should now; Sir Thomas Smith tels us, *quibus princeps derogatum vult, haud pluribus verbis utitur, quam le Roy aut la Royne s'advise*; *qua propterea extincta penitus, abolitaque censentur. l. 2. c. 3. descript. Ang.* If the Kings deniall did not extinguish them, all those bills, vvhich have slept for many ages, as laid downe by our knowving forefathers out of a necessary modesty and a just valuation of their Soveraignes right, would rise up lavves to the extreame confusion of the present government. And secondly, if his authority must be involved or swallowed up in their votes, if his part in Parliament be the same with the flatterers in the comedy, *As aio, negas, nego*; if he be but a State *eccho*, it is manifest hee hath not so great a hand in the managery of his Kingdome, as the meanest fellow

fellow, who hath but 40^s *per annum* freehold, for he governe by proxy, whereas the King is represented by none and yet must not speake for himselfe and for his owne Interest, which is altogether the same with the publique. The greatest security the Subject hath, that equall lawes shall be preserved, is from his negative voyce. The interests of the major part in the House of Commons may be opposite to the good of the Kingdome in generall. For if we reckon those many that serve for, and are (or would be, in future elections, if the power were thus enabled to effect what ever advantageous designes) of Corporations, and those few in comparison, who serve for Shires, wee shall easily beleeve, the priviledges of Cities and Townes, may be enlarged by them to the great discouragement and losse of the honest farmer and painefull husbandman; So the Burgesses for the West are so many, that upon an unanimous conspiracy amongst themselves, and labouring some single persons, who may bee easily wonne out of relation of acquaintance, friends, or kinsmen, or their inadvertency, and not fully weighing, or not understanding the consequences of it, they may easily carry by vote what is very beneficiall to themselves, though extreamely prejudiciall to the other parts of this Kingdome.

To goe higher, it is very easy to conceive, that the major part of the lower House, may bee very meane men chosen to make more profitable lawes for the poorer sort, and to keepe the Gentry under by laying subsidies and all burdens of the Commonwealth upon them, not without a specious pretence, that they spend more in superfluities then would discharge all publique expenses, and exempting themselves from all payments, as being such, who take great paines, and worke very hard, even for necessaries. The possibility of such a choise is apparent, because (considering how small meanes are required to a capacity of voting in the election of Parliament men (it may perhaps be more warily ordered hereafter by the wisdom of that great Court, who may thinke it fit to raise 40^s *per annum* freehold to such a proportion as that estate was valuable at, in the first constitution, when the scarcity of money made it a competent fortune) the greater part of those vvhich choose them are poore country-men,

and

and beggarly tradesmen. Such a choise then is very possible, neither is it improbable, if Parliaments shall bee governed by these new principles. For the reason why such an election was never yet made, is this, such a power was never heretofore challenged, as could enable them to goe through with any such designe. If either the Lords perceived any motion from the Commons, disadvantageous to themselves, or the King thought it prejudiciall to the publique and so necessarily unprofitable for him (as if the merchant should bee discouraged, by laying too great burdens upon forraigne trade, or the Clergy impoverished, by taking away those meanes which should make men able, and keep them honest) it was presently rejected, and so not to be stickled in further, sitting that Parliament. If some factious spirits wrought upon their discontents, and perswaded them to passe nothing, whether by granting subsidies, or consenting to new lawes, which might be beneficiall for the present State, till they received satisfaction in their desires, though such a perversnesse (which I suppose onely and doe not say it ever was) might bee very unhappy for the Kingdom (for by making the King poore, it would probably put his friends upon some unwarrantable courses, whereby to supply his wants, and this would create a misunderstanding betweene him and his people, and breed ill humours, which somented by crafty men, would breake out in such violent distempers that there vould be a necessity of calling phisicians; These politrique phisicians, vwhen once entertained in such an extremity, vvill be sure so to manage the disease, that they vvill be paid as much as they please to demand. They vvill desire such offices, such commands, not for themselves, but onely in order to the recovery of their patients; The deniall of which shall put the people in danger of a relapse, and they vvill prescribe the vvayes of prevention and make use of the impatience of distempered men, to compasse their ovvne ends) though I say, such a fullennesse vwould make the Kingdome miserable, yet it is their right to deny the most reasonable proposall, and there is not any legall remedy against inconveniences, vvwhich vvill certainly flowv from hence. Neither necessity nor *propter ea quod regnum nostrum periclitatur*, vvwhich is the same vvith *sa-*

ius populi suprema lex, can enable the King justly to provide for the Kingdomes safety, by raising money against the known Lawes: He may in this case dissolve the assembly, and only use such meanes, as are not contrary to Law. By reason of these negative voices, and the Kings right, as to call together, so to breake up that great councill, there was not any hope of new moulding this State to particular Interesses, and therefore these unequall compositions of the House of Commons had no influence to the disadvantage of the Commonwealt. Yet now wee may probably suffer under them, if this new doctrine take place, That the Kings consent is past, and involved in the Lords and Commons; for the next rub of the Lords negative is removable by the same Logicke of *coordinata se supplent*, and that the people may not perish for defect of a supplementall Law; it was essayed formerly, that they sitting in personall capacities, should not oppose what conduced to the safety of the Kingdome, represented by the Commons, and those two grounds being laid, as the King and Lords are voted out of Parliament, so it is very probable, the Gentry would bee but very thinne in the House of Commons, upon new election hereafter, because the disposall of all would be put into their hands, whose interests are most disjoyned from the publique tranquility, as enjoying least by the present establishment in this State. From hence it is apparent, what confusion were likely to follow, and the short experience we have had, hath already too fully acquainted us with the miserable consequences.

To answer distinctly to their axiome coordinates supply each others failing; it should bee understood in that sense, which they plead for, that the King failing to performe his duty, the Lords and Commons are enabled to transact businesses without him by vertue of this rule, upon the very same grounds the King and House of Commons may exclude the Lords, the King and Lords may exclude the Commons; but this being destructive of the fundamentall priviledge and right of either House, this onely can bee meant by it in the present case, that the power of any one or two of them, is defective to some purposes expressly named in our lawes, (as for enacting new lawes, or raising money upon the Subject) without a joint consent of all three.

This Interpretation is very reasonable, but it concludes against them, and for the King; for he requires nothing, but (what our Lawes grant him, and what hee alwaies acknowledged equally their due) a right to a negative voice, in those things to which the three estates are coordinate. The use of it cannot be injurious, for a deniall to bring in a new government, doth not take away the old, it leaves us in that happinesse, which our Fathers were content with.

All other matters (wherein the exercise of His supream power is not restrained, by making their consent a necessary condition, without which it cannot be actuated) he may manage solely, as for instance, he may, and ought to protect His Subjects, and to make use of those meanes with which the law hath invested him to enable him to compassse that end, and these are the *Milicia* or armes of the Kingdome.

Exc.
Answ.

The King though he be singulis major, yet he is universis minor. I am forced to take notice in the first place of that lamentable sophistry which yet hath deceived many, & though it hath bin often discoursed, they still persist to abuse the people with it. The strength of all their discourses depends upon this syllogisme, the Parliament is greater then the King, (the assumption is built upon a false foundation, The two Houses are the Parliament. Ergo, the two Houses are greater then the King.

The proposition is granted, because Parliament includes King and Lords and Commons, and his legislative power, as to the use of it, is so restrained, that it cannot legally bee exercised without their consent, and this obtained in Parliament, it becomes absolute to those purposes, to which they passe their assent. 25. H. 8. 21. So that the onely meaning is, hee can doe more in Parliament, then out of it.

But the minor is absolutely false, for the King is *caput Parliamenti*, and so an essentiall part of Parliament. I am ashamed to bring quotations out of the lawyers, to prove what is so manifestly true. For if the King were not a necessary part of the Parliament, & the Parliament (as it is being rightly understood for the head and body) were the whole Realme, then we should have a Kingdome without any King.

One objection is frequently urged; *there must be a Parliament*

ment somewhere, for it cannot be dissolved without their consent, which is not yet past, but it is not at Oxford, nor no other place, London excepted, therefore it is there, and consequently the Houses are the Parliament without the King, or else His authority is in their votes. Object.

The want of Logique hath proved as fatall to this Kingdome, as the want of conscience; I cannot determine which hath had the strongest influence in our calamities, the malice of some, or the ignorance of others. Suppose the Lords should remove their House out of the City (as they have an undoubted right so to doe, upon the agreement of the major part, and there might be some motives for it, for to say nothing else, their number would be more then doubled) where would these men place the Parliament? If the King & Lords should legally sit in Oxford, were the House of Commons thereby excluded from being a part, or could they be concluded the whole Parliament? It is not an union in respect of place, but an union of their assent and the Royall ratification, which actuates the power into a law. The Kings absence doth not destroy the being of Parliament (no more then if he should dissent being present) nor doth it forfeit his power into their disposall, as you may see 33. H. 8. c. 21. *His assent by his letters patent is and ever was of as good strength and force, as though the Kings person had beene there personally present, and had assented openly and publiquely to the same.* Answ.

But what if he dissent from them and refuse to confirme their votes? Then they ought not to have the force of lawes, no more then if the King and Lords should agree on any thing the Commons contradicting it; neither is a legall establishment. If they say, his obstinate refusall voides the Parliament, for it is made of no use, if it may not be active, when deserted by him, and except he please to establish their ordinances: The King might as well presse the Commons to consent to what hee and the Lords shall thinke fitting, because otherwise they void the Parliament, for it is of no use, if it may not be active without their assent which they resolve not to passe.

This constitution of the negative voyce in either of the three estates, was made in favour of the present government, the goods of which were knowne by experience, that no innovation (the evils of which are hardly discovered before tryall)

Answ. might be introduced without a joint consent of all three.

The whole Kingdome is greater then the King.

If they meane by whole Kingdome, both King and people, it is very true, but nothing pertinent, for it onely signifies that the head is not so great as it selfe and the rest of the body. But if they understand (as they must if they meane to conclude any thing) the body in opposition to their Sovereigne, it is false that *universitas subditorum est major Rege*. The same reason which makes him above one, makes him above two, and so above ten, & so ten thousands, & so ten millions of thousands; for their assembling together doth not dispense with their duty of allegiance, many or few alters not the quality of the act, an universall revolt from a lawfull Sovereigne is equally Rebellion, as a particular defection of one or more Countyes.

The Orators art is much used in these unhappy times *μεγαλα* and *μεγαλα μικρα πειν*, misdemeanors were once raised into high Treason, and now evident treason is lessened into necessary defence. That *rhapsody of quotations*, intituled *the treachery, and disloyalty of Papists to their Sovereignes, &c.* brings a very merry plea to take them off from being Traytors, *The issue of the 25 Edw. 3. c. 2. runnes in the singular number, if a man shall levy warre against the King, &c. it ought to be judged high Treason, therefore it extends not to the Houses, who are many and publique persons*, p. 31. If hee had sadly considered, how deeply conscience is engaged in the present warre against the King, he would not have endeavoured to seduce so many into Rebels, and make them forfeit their soules upon such pittifull subtilties.

If foraigners should inquire under what kind of government wee live, the answer must be, wee live *over a King*. Certainly they will much wonder at the unnecessary humility of the Houses, (they challenging to themselves superiority as the representative all) and conclude them very great Courtiers, who in their addresses to the Prince, their Subject, stile themselves *His Majesties most loyall and faithfull Subjects, the Lords and Commons in Parliament*. They will shrewdly suspect, if Majesty be His due, that Supremacy is so also: while *Rome* was a popular State, the supreme dignity being in the people, was expressed

pressed by *majestas populi Romani*, and after when they had resigned up their power to Emperours, it was changed into *Augustalis Majestas*, taken for the person of the Emperour. *C. ubi & apud quem. l. cum scimus*, or *Imperialis majestas. C. de quadriennii presc. l. bene à Zenone*, and so *Keyserlich Majestaet* at this day for the German Emperour.

The custome of petitioning him, and such humility in the title of their addressees and the preface, (suppose it should reach no further, yet it) cannot be wholly taken of by the imperiousnesse of the matter. Some of that side seeme to be scrupled at it, and therefore *plaine scottish* tells you, *they hold Declarations to be more sutable to the soveraignty of so supreme a Court, whose power is coordinate with Princes (wee must hold superior) then petitions.*

I have proved in a former discourse, that the King is supreme head, not in respect of single persons, but the *universitas subjectionum*. For this is comprehended in *body politique* compact of all sorts, and degrees of people, which is sayd to owe next to God a naturall and humble obedience, 24. *H. 8. c. 12.* And it is evident, that hee is not the head of this or that man, but of all the members in conjunction, of the whole body, for else he would be the head of millions of bodies, and by consequence have as many distinct Kingdoms, as particular Subjects. It is needlesse to multiply quotations, as the 25. *H. 8. 21. This your Graces Realme recognises no superior under God, but only your Grace, or Queene Elizabeths* publique declaration, that shee had next under God, the highest and supreme government and power over all Estates of the Realme of England, *Eccllesiasticall or Temporall.* Camd. hist. pag. 31.

I will summe up the reasons in brieve, which prove, that the King is not *minor universis*. First, if Houses are above Him, He hath no right of Empire upon them, because *inferior non habet imperium*, but this is false, for they are subject by Law to His commands, when he bids them come, they are bound to come; and when he bids them goe, they are bound to go. that is, when he calls them by his Writ, they ought to attend *prescriptio die & loco*, and he prorogues the assembly,

or dissolves it when he thinks fitting. It is no prejudice to this right, that he was graciously pleased to restrain the exercise of it in this present Parliament without their consent, to the end those vast debts which were brought upon this Kingdome might be discharged, and in order to that, good security might be given to such persons as were willing to ingage their estates, for the benefit of the common-wealth. I will make no advantage by urging their abuse of trust, by which they were enabled to take off that great burthen, which they have made infinitely more heavy, and whereas they might in short time have eased this State, our debts hourly grow upon us, and the Subjects estates are but the fuell to feed that fire which sensibly consumes this unhappy Nation. Notwithstanding, they have deceived both King and people, yet His Majesty cannot satisfie Himselfe in their Logique, and suffer Himselfe to be perswaded, he may lawfully reassume His right, because they doe contrary to trust. Though the perpetuity of this Parliament was never intended, and it hath beene of most pernicious consequence, yet the King will not allow Himselfe any liberty (to dissolve it) against law, upon most reall good intentions. Because the president is full of danger, and though in the present case it would be used for the benefit of His people, yet hereafter, it probably might be abused to their greater disadvantage.

Secondly, the division of all persons in this Land is into King and Subjects, liege Lord and liege people, and therefore they must be placed in the latter ranke. It is a strange phantasie to abstract the body politique from all the particulars whereof it is compacted, and to save the Oath of Allegiance, by telling us, *The universe or body politique never swore allegiance or supremacy to the King, neither is it possible it should.* Reply to answer to the observations, pag. 17. and againe, pag. 18. (in answer to the 24. Hen. 8. cap. 12. The King is supreme head, unto whom a body politique compact of all sorts and degrees of people are bounden and owe next to God a naturall & humble obedience) wee must not understand this, that the body politique doth owe obedience, but that the severall sorts and degrees of people, of which this body is compacted and made, that they doe owe obedi-

obedience, for to take it otherwise, were to make an absurd and impossible construction. &c. If every particular man performe his duty of allegiance as he stands obliged by oath, let him oppose his metaphisicall body to the King even as he pleases. If the body politique have not sworne allegiance or supremacy, because it is a body only in consideration of law, that hath neither life or motion, like other individuals, p. 17. and for the same reason doth not owe homage and obedience, p. 18. How is it capable of rebelling against the Head? for it cannot fight but by the hands of particular men, and all these are tyed up by divine law, and their owne oathes.

3. They acknowledge themselves his subjects as united in Parliament; and if they should deny it, they could not challenge any benefit from his royall protection.

4. The lawes intrust him, not the Houses to protect us.

5. The Houses represent only subjects opposed to the King, who is their superiour by humane and consequently divine law, both as their naturall King and as Gods anoynted man, his representative.

6. There is a great difference between the reall and representative all; for though it were true, (as it is not) that he were lesse then the whole people, yet this would not bring the conclusion home to the Houses. Who are the people only to such purposes as the law nominates, viz. for consenting to Lawes or Taxes upon the Subject. To all other purposes (wherein Regall power is not expressly limited) the King is the whole people, and what he doth is legally their Act. Aristotle tells us of some Kings, that had as full right over their whole realme, as a popular state can have over it selfe, and all things belonging thereto 3. pol. 14. To such an one that of the Tragedian in truely and properly applyed.

Σὺ πῖ πόλις, σὺ ἢ τὸ δῆμιον,

Πρύτανις ἀκραιτὸς ὢν.

You are the whole City, the whole Common-wealth, and therefore not responsible for any actions. This shewes the falsehood of their principles, *Quicquid efficit tale, est magis tale, and constituens est major constituto, &c.* for though they meane

to make advantage of them only in this Kingdome, yet they conclude against the possibility of making any King absolute; which reason and experience have clearly confuted. For a people if conquered, (their lives and all they have being then in the hand of the victor) or if in feare to be swallowed up by a more potent enemy, they may and often have very prudently consented to place all the legall power of the Kingdome in one man, that he may thereby be enabled to protect them, and where the legislative power is unrestrained, there the rule is absolute.

To apply this doctrine; In those things wherein the King of England is not absolute, as in the exercise of his legislative power, and raising money without consent, The Houses together with him, represent the people; but in such matters, wherein he is absolute, (that is, wherein he is not restrained by lawes which are but limitations of Regall power) there he is *Populus Anglicanus*, legally *the English Nation*. For example sake, I will instance in the power of making Warre and Peace, if any take up Armes by vertue of any other then his Commission, they oppose not the King alone, but the King and People, as, *People* is to be understood in law, for their hands are tyed up, and all their legall strength is in the Kings disposall.

Let us examine their Argument, *The whole people are above their King, therefore the Houses, because they represent them.*

The Antecedent I have shewed false, because the whole people are but such a number of Subjects, who can have no colour of pretence to be above him, whom God and the law hath placed over them.

The consequence is as infirme, and the reason of it fallacious, for if representatives might challenge all rights appertaining to the persons by them represented, then a Jury shall be concluded as honourable as the House of Commons, and then too because the Emperour of Germany, may challenge of the King of France or England (not superiority, for they are as supream and independent Princes, as he is, but) precedence, (an honour due to the antiquity of the Empire, for nations as well as persons enjoy the benefit of *primogeniture*) his ambassadours also might sit a-
bove

bove those Kings, which the Court of honour guided by the law of nations, and reason would pronounce very absurd.

Againe, they represent the people only to some purposes; to make warre is none of them; The King alone can declare the peoples mind in this case, they have no legall way of expressing themselves but in his Commissions, and therefore the warre is not betweene King and People, but so many particullar persons exceeding the trust committed to them against the duty of allegiance, oppose both King and People. It is very remarkable, that in the beginning of these unhappy contrivances, some multitudes appearing in tumultuous wayes, what ever they desired or did was called the Act of the People, providing for their own safety. But after the sense of miseries had bettered their understandings, to make them discern, this unnaturall warre was not like to improve the means of preservation, many of them make a Covenant to live peaceably and honestly amongst themselves, so in *Yorkeshire* long since, and lately between *Cornwall* and *Devonshire*, and now the Houses interpose, and will not permit the people who were stirred up and encouraged to raise a warre against law, to make a peace according to law; let them trouble the waters as much as they please, they shall be borne out in it; but they must not thinke of settling them, till they have done fishing; This would be a breach of Priviledge. The People are now forced to defend themselves, and their goods violently taken from them, for their security; who might soone be happy againe, if their friends would be lesse carefull of their safety. It is well knowne who began to appeale to the People; withall my heart (if law must be suspended) let them arbitrate the differences. The certaine way to know their judgement, and whom they apprehend to be a reall defender of what both pretend, our lawes and propertie, and liberty, and the established religion, is to cease plundering of both sides, and leave them to their naturall inclination. That side which confesses it cannot subsist without using violence and oppression, and forcing their estates from them, acknowledges that the people, whom they pretend to fight for, is clearly against them, and they have small reason to challenge a priviledge of breaking all

Lawes, by vertue of that *paramount Law*, *populi salus*, when at their unwarrantable courses ventured on in order to the safety of the people, doe manifestly conduce (even the People being Judges, and repenting their former folly) to the poverty, slavery, and ruine of all,

It remaines, I lay downe my promised conclusion of the whole, that notwithstanding such a power of resistance, as they or any others have yet openly pleaded for, should be granted lawfull (as when in their owne defence, or when he that hath the highest authority, and is bound by the Law of God and his owne promise or oath, to administer justice equally, after frequent representations of their grievances, and most just complaints of their great sufferings affords no redresse) yet this can be no justification of the present warre against the King, nor acquit the Actors in it from being rebels; Because this case is evidently not now.

The Armes taken up against the King, were not (as is pretended) defensive, nor in maintenance of any thing which the Subject can challenge as of right.

This warre
offensive
of the Sub-
jects part.

At King-
ston upon
Thames,

If we call to minde that unhappy time, when His Majesty (forced to perseve himselfe by flying the City, that he might be free at least by absence, from the scornes and dangers of unrephehended, I will not say, encouraged tumults) was immediately accused to have rebelled against himselfe, and was furnished with an Army by *Vote*, when he had not so much meanes left him, as could honestly feed his family, and it was *Ordered* that this formidable Host should be apprehended by the ordinary Ministers of justice in that County; if our memories will but render a faithfull accompt of this contempt, harder to be digested then the former popular fury, wee may perceive their behaviour towards him, was a sufficient confutation of their feares of him. They told the people, they were afraid of His power, and yet answered their owne jealousies by shewing to the world, they were able to take it from Him; He was so farre from being in a condition to invade their rights, He had not wherewith to defend His owne. His inability to revenge indignities was so notorious, they durst be even wanton in abusing

busing Him. When He wooed them in that gracious Message from *Windsor*, His yeelding so much did but tempt them to use greater rigour. Nothing would satisfie, unlesse he would make their *votes* the measure of His obedience; for what priviledge had they above private Counsellors, if their advice should not sway with Him more then reason? When He requested them onely to make knowne what was wanting to the Kingdomes happinesse, and He would chearefully supply it, they thinke it losse of time to represent particular defects, but put him into such a way as will effect it, to be guided in all things as they shall direct, that is, to let them manage His Royall power, who knew better how to governe. Because He will not submit to their blanke desires, by confessing His *Vote* to be legally involved in their *Orders*, nor resigne up that power which the law hath intrusted Him with, and which cannot be separated from the Crowne without dissolution of this government, and therefore He is obliged both in justice and honour to preserve it as the necessary meanes, whereby He is enabled to protect His people; Because, I say, He will still be King, and not part with those Rights which God and the Law gives Him, they will dispense with their duty of being Subjects, and challenge a priviledge to take away those Rights, which He will not, when petitioned, fairely deliver. After this, he retires to *Torke*, onely desirous to live safely, and contented to suffer such an eclipse of glory, till such time as the abused people should recover their understandings, and these clouds should be dispelled by a cleare apprehension of His innocence, and undeserved sufferings. Thither the storme pursues Him, His Rents are stopped, that He might become a burthen to the Northerne people, and that they might be tempted to part with Him, with as much cheerfulness, as they would be rid of the poore of their Country. Commissioners were pickt out, and sent amongst them to incense the lesse knowing, and to awe the more honest party, from receiving their naked Souveraigne into their protection. The dangers they would incur by their perverse loyalty are laid open. They will certainly be Voted high Malignants, and notorious Delinquents, if they frustrate the pretended *Parliaments*

ments injustice by their charity; for to what purpose did they take his revenues from him, if others should be allowed to give Him sufficient wherewith to clothe and feed Himselfe. Though such order was taken, by seizing His demaines: He should not live amongst them as a King, yet the sweetnesse of His private and familiar conversation with them, made Him an extremely popular Gentleman. And therefore misdoubting a generall defection to obedience upon tryall of so great goodnesse, which increased with their injuries, and finding the people (not able to conceale their love of His extraordinary virtues) openly betraying an honest pity of their much wronged Master, they thought it necessary to give law to their feares, by usurping His power, and exercising it in their oppression vvhom unwary respect towards their Sovereigne had made suspected for loyall Subjects. Accordingly all His Arms (and those of the Kingdome besides, least the people should prevent their own wrongs by a timely revenge of His) are seized on, & they possesse themselves of His Forts, Castles, Trownes and Navy. After such unparalleld usurpations, Regall power being invaded by private hands, a small Guard of honest York-shire gentlemen attend the King for His Personall safety, not knowing where their injuries would stop, for the bonds of law being once shaken off, their power to oppresse, or ruine, was as unbounded as their will; by the same justice He was kept out of *Hull*, they might have kept him in what Village, what House, what Prison they pleased. This Guard of a much smaller number then they had kept together many Moneths, was scornfully Voted an Army, and Commissions are illegally issued out to raise Force to suppress this *second* Warre, made by the King upon Himselfe. The publique motive was feare of violence intended by His Majesty, the private encouragement to lesse forward Souldiers was the Kings inability to make the least opposition. An Army is levied against Him upon publique pretence of His strength, and perswaded to march against Him, upon their private assurance of His weakenesse. Thousands are listed not to fight, but travell, and are promised to know nothing of warre besides the vvages, but to enjoy the security and delights of a progesse.

After

After all this (to prevent effusion of blood, and these visible calamities which the wild ambition of a few men, hath pull'd upon their unhappy countrey) Hee twice sues for Peace, in those most gracious Messages from *Nottingham*, vvith offer of such large conditions, that if more should bee required from Him, though vvhen conquered, the Subjects vvould be losers by it, and they vvould gaine that by a miserable Warre, vvich will much diminish the happinesse of Peace. They vvill nor novv descend to a Treary vvith their King; they like His humility, but are not vvell pleased it vvvas not shevvne sooner; onely some slender hopes are given, that their Generall shall have commission to pardon His former unvvillingnesse to suffer, if He can redeeme those errors vvich have put them to expence and trouble, by a constant tamensse for the future. From *Nottingham* he flies to *Shrewsbury* (for they are contented to give Him line enough, being confident they can strike Him vvhen they please; in the meane time, 'tis good sport to see Himselfe vvith fruitlesse endeavours to escape, vvhen at last being tyred vvith long and vaine strivings, Hee must be forced to deliver Himselfe quietly into their hands.

Thus vvvas he accused to bee the assaulter, vvho vvvas so long time unable to resist their violence. *Ei suis saluti, quod videbatur cerio periculum*, his apparent weaknesse did deliver him from that power vvich vvvas ready to swallow him up; they had then destroyed him, if they had not beene more wanton, then conscientious.

This narration is abundantly sufficient to prove the warre to bee defensive of the Kings part. But I vvill examine it further by the rules of Justice.

Albericus Gentilis defines warre very accurately (presupposing the lawes of society, and excluding private Duels) *publicorum armorum justam contentionem*, a just dispute of differences by publique swords, l. 1. c. 2. *de jure bel.* just, *negante sensu*, for that vvich is not unjust, and in the law notion, in reference not to the causes, (for this is called *pium bellum*) but the authors vvaging it. Wherefore he shewes, that it cannot be but betweene independent States and Princes; Citizens or

Subjects cannot be lawfull enemies opposed to their Prince, because they want supreme authority, without which the warre is not publique, nor can it be justified. The reason is, because warre is only excused by necessity, that is, when there is no legall way to end controversies by prohibiting farther appeales, as amongst distinct States, or severall Princes, vvho acknowledge no superior, and are not bound to submit to any Court, and may perhaps not agree upon abitratours, because in some cases none can be named, vvho are uninterrested in the decision. But I will not insist upon the injustice of Subjects making war for any cause whatever, upon the supreme power, because this was evidenced at large in the *second Section*, where I proved, that a liberty of resistance, doth destroy the nature of sovereignty or supremacy, and introduces *regnum in regno, civitatem in civitate*, by dividing the civill povver, which can be but one, if the State or Kingdome be but one.

That of Cyprian shall be the entrance into our inquirie, concerning the injustice of the present warre of the Subjects part (setting aside their duty of nonresistance by divine law applied to our constitutions, and supposing an equality or independancy betweene King and Subject) for want of a reasonable cause which might excuse those great mischiefes, as being a necessary remedy to prevent greater. *Homicidium quum admittunt singuli, crimen est, virtus vocatur, quum publice gerunt.* And there is some ground in reason, that shedding though the blood but of one man should deserve an ignominious death, and to kill thousands by publique authority should make our lives glorious. Because there is as vast a difference, as betweene the guilt of murderers, and the gallantry of men undertaking the administration of justice with personall hazard for preservation of publique rights. First, therefore a *jurisdiction* is required, where lawes are wanting to make use of force for recovery of right (which Subjects cannot have over their Prince) and this doth make *justum bellum*. And secondly, a sufficient cause is necessary; there must be reasonable motives, or else it cannot be *pium bellum*. Except we have εὐσεβὴ καὶ δίκαιον πολέμῳ ποιεῖν, we commit murder with the sword of justice. The method

rhod of the Romans was to demand their rights in peaceable way by their Heralds, and in case restitution was denyed, then warre was proclaimed, and the cause likewise declared, (*nec dederunt, nec silverunt, nec fecerunt, quas res dari, fieri, silveri oportuit*, as wee find in *Livy*) that the world might bee satisfied in the innocence of their unwilling violence. So carefull were they to preserve their credit with mankind, whom it universally concerned, that warre should not bee waged upon light and unjustifiable grounds. There must bee *bells causa gravis*, a sober inducement to make the waire defensive, and if this were not wanting, reall injuries having beene offered; yet if the cause were taken away, by an after readinesse to make full satisfaction, if the offended parties would not accept of restitution, the warre was then esteemed offensive of their part, and they became guilty before God for the causelesse effusion of so much blood, and worthily infamous among all good men. *Melior causa ad partem poenitentem transibat.*

To apply briefly these unquestionable rulers of justice to the present case: for I find that long reasons doe as little satisfy the common sort, as none at all, they having but narrow memories, and it being the same thing not to know, and not to remember.

I will put but one interrogatory to such as take up Armes against the King, *Why they are Rebels and Traytors, cui bono?* (for that they are so, I appeale to the Judges of the Land, or referre them to the plaine and evident Law, 25. Edw. 3. Let them suppose themselves arraigned, and the Judge to aske what they can say for themselves, why sentence should not passe for their condemnation, according to expresse law. Certainly they could not make a fairer pleathen the *Earle of Essex*, who had not proceeded to offer violence to the Queene, and yet was adjudged a Traytor for appearing in Armes, onely with intention to remove *evill Counsellors*.)

The *pretext* is, in defence of Liberty, Lawes, Property, Priviledges of Parliament and Religion.

But the *reall cause* is, the preferment of a few ambitious persons, who will not permit the Lawes to have their free and uninter-

uninterrupted course, the knowne security of the Subjects happiness, because the orderly administration of justice doth not signifie, that the King will bestow such offices upon them, as their inordinate desires aime at. He cannot doubt the truth of this, who hath read and observed the conditions without which they will not suffer peace, and to compasse which His Majesty hath left no reasonable wayes unattempted. I am confident, He hath offered so much to His Subjects, as would content honest and moderate conquerours.

Concerning *Lawes*, there shall not be any other measure of mens actions, besides those knowne rules. Neither Royall Proclamations, nor fellow Subjects Ordinances shall make the people miserable under an Arbitrary sway. Doe you desire to be as happy as your progenitors? you shall. For you shall enjoy all the same lawes by the benefits wherof they lived peaceably, plentifully, gloriously. And besides this for a further improvement of your happiness, all those new Lawes enacted this Parliament, and the severall additionall favours by parting with many knowne rights, (which exceed the Acts of Grace from all His Royall Ancestors though put together) shall be confirmed to you.

Doe you desire to bee as free as your Ancestors? you shall. His Majesty passionately requires the Liberty of the Subject should bee restored, and will take care the people shall not loose their birth-right, by being imprisoned upon His, or, which is worse, their fellow Subjects illegall displeasure. He will contribute His utmost endeavours, that His owne Castles, the Bishops houses, and all other not long since honest habitations, may bee disgaoled, and the English may be againe acquainted with the comfort of life, freedome of their persons, and of conversation, and not bee banished from their Wives and children for presuming to make the Lawes the rule of their obedience.

Doe you desire the establishment of your Property? you shall have it. His Majesty challenges no right to your estates, and is unwilling Subjects should claime a priviledge to take them from you, only that they may be better inabled to withhold

hold His. No pretences of unknowne dangers, or unscene necessity shall justify the violation of Lawes which alone can secure your inheritances.

Doe you desire Priviledges of Parliament should suffer no diminution? They shall enjoy them in as high a way, as the Subject in the freest and most happy dayes ever challenged.

And lastly, that Religion which was sealed with the blood of many holy Martyrs since the Reformation, and which stands established by Acts of Parliaments, and flourished in the purest times of *Queene Elizabeth*, which no sober man can thinke guilty of any inclination to Popery, shall be confirmed to you by an impartiall execution of all legall penalties appoynted against offenders.

Thus whatever can reasonably be pleaded for, is cheerfully offer'd to us, and wee are wooed to accept, what the contrivers of our ruine pretend is fought for, Lawes, Liberty, Property, Priviledges of Parliament and Religion.

Would you have security for performance of this promised happinesse? you shall have as great as in justice you can require, or reason expect; the same security with which the modesty and wisdom of former Parliaments were fully satisfied, and the Kingdome enjoyed the benefits of their well grounded confidence.

And to compleat all, you shall have certaine provision for a Trienniall Parliament. We are restored to such a high degree of health, as our Fathers were never acquainted with, and moreover such a course is taken to time this State Phisique (it was never intended Parliaments should bee our constant diet) as will probably prevent future distempers.

What fury hath robb'd men of their understandings, that they cannot be perswaded to be happy! that their malice should increase with their calamities! that they should hate, and teare, and kill one another they know not why! For upon my soule a great part of their army would not impose upon others, nor admit themselves of the Brownists, or Anabaptists Creeds; neither would they thinke this Kingdome unhappy (so they might get some honest employment, as honourable opportunities

would not be wanting in forraigne nations, if we had once recovered our former reputation, with that wealth and quiet we lately enjoyed) though 8 or 10 men should loose their mischiefs, and not get those offices, which they valued, above the riches, and quiet, and honour, of their nation.

What one thing hath His Majestie denyed them, which hee had not full right so to do? And, *qui jure suo utitur, nemini injuriam facit*; except they can allcadge *αδίκηματα*, very considerable injuries offerd to them, and a refusal to give satisfaction, the warre is manifestly unjust on their side; wee at the worst shall fall martyrs, and they at best will live murtherers, all the blood which hath beene shed will be brought in upon their accompt, all those rapines and sacriledges, the robbing God, and men, will lye upon their heads.

In matters of Law he hath not rejected any thing, and in matters of meere grace and favour, he hath beene bountifull above all his royall Ancestors, and so extreme; tender is he in giving all content to His two Houses, that he could not prevaile with himselfe to deny, but He reserves his assent till such time, as they can shew him some reasonable motive, whereby He may be invited to grant.

As he hath been content in his love and prosecution of peace, so he hath taken extraordinary paines in soliciting His Houses to cut off the unnecessary injuries of war, by laying down plundering and other causelesse violences committed upon Estates or persons on both sides: his Royall heart bleeding even for the unavoidable pressures the people have pull'd upon themselves. His Souldiers will rule their actions by the counsell of *John the Baptist*, and be content with their wages, and cheerfully hazard their lives in defence of so honest a cause, by as honest meanes. If they are not able to pay their Army, what secret moath and canker hath consumed that vast treasure? Their want of money is a great argument of the unfearcheable judgment of God, who can make them still poore, though they take a liberty to seize the wealth of the Kingdome. O that the people would but yet consider how unlikely it is the State can thrive hereafter under such Stewards!

Hee that sadly calls to mind the height of happinesse from which wee are lately falne, all past grievances being fully remedied, and future pressüres probably prevented, and considers how often His Majesty hath intreated, importuned us to accept againe of that blessed condition, may well wonder, that our calamities should yet continue, that they should hourly grow upon us. I would willingly banish from my thoughts those melancholly observations of Historians, *Quos Deus vult perdere, prius dementes facit*, and, *Quorum fortunam Deus mutare constituit, consilia corrumpit*. But they have so strongly possesst my fancy, that I am almost tempted to feare, such a generall losse of mens reason, is but the fatall forerunner of an universall destruction.

Our condition stands thus; Though the King hath not yet, nor ever will hereafter deny any thing of right, (those desires which are regulated by lawes shall be no sooner presented to Him, then granted) and though he hath indulged extreemely much of favour (more then our Fathers had the boldnesse to crave) neverthelesse wee cannot prevaile with our selves to enjoy so great blessings, unlesse Hee will consent likewise to their other requests, some of which He may thinke He is obliged not to passe in justice, there being no light motives to induce Him to beleeeve, He hath sworne against it, at His Coronation; and some, He cannot grant with honour, and without betraying that trust committed to Him by God and the Law for the benefit and protection of His people.

Hee is desired to signe the Bill for abolition of Episcopacy (that which acquainted this Land with Christianity) and to diminish the Rights of the Church, and take away Ecclesiasticall revenues, that He may be remembered in story, as the unfortunate instrument to pull downe what the charity of many ages hath beene building, and to destroy many pious Monuments and glorious testimonies of our forefathers christianity, and to ruine what the devotion of our godly Ancestors hath contributed for the encouragement of learning and advancement of Religion.

To say nothing to the politique part, how the Ecclesiasticall

and Civill State are so interwoven, that the foundation of the whole may thereby be shaken, and how there are very good reasons to suspect a Presbyteriall Government will prove extremely prejudiciall to Monarchy; I shall speake only to the religion of this request. And first, I would willingly know, whether there be such a sinne, as wee have hitherto used to call Sacriledge (so severely punished upon the Heathens, the violation of things dedicated to false Deities, being notoriously revenged by the true God, and so extremely abhorr'd by all good Christians in former ages) and then, whether Magistrates have any dispensation to commit Sacriledge innocently, by which private men incurre a lasting infamie, and eternall damnation.

Secondly, I would willingly be satisfied in this *Quare*, whether the King having sworne to preserve the Rights and Immunities of the Church intire, can innocently consent (supposing Him fully informed in the nature of that right which belongs to His Clergy, for the most religious Prince may bee subject to mistake) to lessen or abrogate them, except released by the consent of that Body, to whom Hee is obliged? This point rightly stated (I shall only offer it to be seriously meditated on, without any peremptory determination) may confirme, the Lands of the Church for the future to the great improvement of our civill happinesse. For (besides that wee might reasonably promise to our selves a blessing from the Almighty, if wee shew our selves as carefull, to seile those Rights which tend to the advancement of his worship by a firme establishment of a certaine and honourable maintenace for his more immediate servants, as wee are justly sollicitous to secure our secular interests, by making provision, that no mans Rights shall be alienated without the owners consents) a great temptation, and that which seems to have the strongest influence in all attempts or innovation, would thereby be cut off, the hopes of repairing their decayed fortunes with the spoils of the Church. Wee shall find in stories, that most of those stormes which disturbed former calmes, and by which this Kingdome sundry times hath beene miserably shaken, were raised only with in-

tion to sink the Church by such as promised to themselves considerable shares in the wreck.

Some answer; He is equally sworne to the observation of Lawes, but these He may alter, with advice of both Houses. Thus one, *I doe not conceive Him more bound to defend them by His Oath, then the rest of the Lawes enacted; any of which when the Kingdome desires should be abrogated; it hope is done without perjury.* That which is commonly called the Lawyers Answer to Dr Ferne, p. 31. This doth by no meanes take of my scruple, because His Oath to defend the Lawes enacted, is made *populo Anglicano*, to His people, and so (as all other promises by consent of the parties to whom a right was transferred) may be, and really is forgiven by them represented in Parliament to that purpose. But this other Oath is made to such a part of His people, *Clero Anglicano*, and particularly taken by Him after His Oath to the whole Realme, which were needlesse, except it meant some other obligation. This seemes to prove it a distinct Oath, and not releasable without their consent. Upon the same grounds that these Rights are pleaded voyd, if Voted downe, notwithstanding they to whom they belonged, expresse not their will to part with them, the strongest security England can give is weakned and discredited, that is the engagement of the Kingdome to repay such sums by consent of King and Lords and Commons; which and which only is publique Faith. In such a case, can the City be Voted payd, except they willingly release the debt? if they should be told, their rights are not stronger then lawes, but these are made null at the desire of the Kingdome in Parliament, they would soone apprehend their logique to be extremely faultie, and it is probable they would maintaine, that the representative Kingdome in Parliament cannot dispense with the Kings obligation to a particular body of His Subjects, in whom alone the power of releasement doth lye.

He is desired to nominate such Offices to manage the great affaires of state, as they shall confide in; that is to yeild up His undoubted right, happily enjoyed by all His Royall Progenitors, into their disposall, and to determine His choice by ar-

bitrary feares. If they will confide in those, whom the lawes doe not distrust, the King hath satisfied even this request, for he will not preferre any against whom they can bring just and legall exceptions. But hee thinks it no good argument to induce him to turne out able honest Ministers (who may challenge from His accustomed goodnesse that priviledge of *quàm diu si bene gesserint*) meerly because others desire to have their places. They themselves would conceive it very hard usage to be put out againe upon the same title, when no legall exceptions were produced against them, and therefore they presse His Majesty to secure them (when once in) by law, and yet will not permit him to be ruled by their advice out of equity, and to continue His favours to those men, who by a faithfull discharge of their places, have shewed themselves worthy of that trust; if it will be reasonable then, it is so now, to encourage faithfull servants by making their owne offences only, and not other mens feares, the rule by which they shall suffer. *Nemo illis se timere potest.* They might as well tell the world in plaine English) but that advantages are still made of the peoples blindness) except the King will grant such preferments to us and our favourites (for let Him nominate whom He will, they will never confide, unlesse He guide His nomination by their instructions, who are to approve them, and the truth is, when they have gained one, Hee hath reason to request them to take the other, for they will save Him the trouble of naming in vaine, and He may thereby conceale His hurtfull affection, and not expose His best friends to dishonourable repulles) except wee may bee Patrons (they would once have been contented to be onely the present incumbents, and suffer Him to retaine the right to bestow them freely for the future time) wee shall never indure peace, and yet wee must be forced to cast the envy of so miserable a warre upon him.

All understanding and dis-interested persons must clearly diserne, it is the same in justice, not to consent, the people should be happy, and to keep up these publique calamities, untill they shall bee satisfied in their illegall, unreasonable proposals. Though it be a more politique way, *duris conditionibus pacem*

pacem pari velle, to expresse a desire of peace, but not to admit it, but upon unequitable and unjust conditions, yet it is equally dishonest, as to deny it do vnder right. They are altogether inexcusable, unless they vwill make such proposals, where by it may appeare, they cover not anothers, but only to preserve their owne rights. Which the King freely offers to them without diminution of the least title, and with unpresidenred enlargements by many additionall favours in this present Parliament.

He is desired to make the Houses sharers with him in ordering the *Militia*, and to grant them a right to suppress all forces but such as shall be raised by their consent.

This request is evidently destructive of that fundamentall Law, which intrusts this power in the Crowne alone to enable the King to protect His Subjects and the Lawes. The benefits of which constitution our happy Ancestors enjoyed, and the greatest pressures the English nation at any time suffered under, did spring from this fountaine, when Subjects undertooke the managery of this regall right.

Because their desire is discountenanced by Law (and being so though it were as really beneficiall, as it is truly pernicious to the peace and quiet of a State, opening a gap to civill dissensions, necessarily arising from the opposite interests of consoits in power; though it might be reasonably wished, yet it cannot be innocently fought for) They endeavour to justify it by reason of State, and plead the necessity of it, as being the onely cure of *feares and jealousies*.

The recovery of this Kingdome were certainly desperate, if His Majesty too should grow fearefull and jealous, who hath bene more unanswerably tempted to give admittance to these unhappy passions. For if they might seize on his power by the Law of feares, if that it is taken from him, becomes a motive to perswade him to give them right to keepe it, might not he with greater shew of reason, require an enlargement of his former power, because it is manifest (though they pretended to be afraid of it) it was not able to secure him from their violence. Much more might bee pleaded, why hee should be enabled to keepe what the Law gives him, then they not to restore what they

they have illegally taken from him. But he contents himself with the ordinary means of safety appointed by Law, and will not make himself justly formidable, by giving entertainment to unjust feares, and challenging a privilege to doe injuries, because it is not impossible, he may suffer them, and may loose his owne rights, except he disable others by invading theirs. If this principle should once prevaile, peace and justice were lost to mankind; for it would still be some-bodies turne to be afraid, and that would give them a right to greater power, which right would cease as soone as they were possess of it, and the true title to power would alwaies be in those who wanted it. There is no other way to get out of this maze and confusion, to which their wild feares inavoydably betray a State, but by prevailing with our reason, not to suspect those whom the Lawes have not suspected. For as jealousies against Law are causelesse, so they are altogether remedilesse. *The fuller answer to Doctor Ferri*, endeavours to excuse them by vertue of a commission from this principle, *abundans cautela non nocet*, but wofull experience hath evidenced the contrary; he tells us further, *State jealousy hath no right hand error, none on the excesse side, the more the better.* pag. 27. It is much worse then private jealousy, because this is but the misery of a family, that the unhappinesse of a Kingdom. To summe up all, though some have gone so farre, to indulge to Subjects a liberty to take up armes in maintenâce of *old law*, yet no sober author can be produced, who makes it lawfull to fight against their Sovereigne for the establishment of *new law*. It is not possible a strong desire of innovation should take off the guilt of so unnaturall a warre.

The King requires nothing but (what the Subject cannot deny without injustice, without perjury, and consequently, the guilt of all that blood which is, or shall, or might be spilt,) his knowne legall rights, and he denies nothing which the Subject can by Law challenge, and hath indulged so much of grace, as all ages cannot paralell, and yet is still ready to consent farther, if any reasons shall be produced to invite greater favours.

How will posterity hate this example, and blush at the unworthy story of our proceedings, who have discouraged good Kings

Kings by these ungratefull requitalls of such eminent deservings towards his people ! If we had not with our peace , and plenty, and innocence, lost our reason too, wee should quickly be perswaded to accept of so great happinesse, and not perversely hazard an ignominious death , onely to make our lives miserable. How are we become beasts in our understanding , as if onely capable to suffer without any apprehension of the causes or remedies ?

The result of all is ; life and death are set before the people, it is in their election to be againe happy , but they chose these miserable things and are active in their owne ruine. For it will come to that, if they stop not in their wild progresse , The husbandmans store being consumed , the pastures unstocked, though wee escape the sword or bullet , wee shall bedevoured by famine , or else perish by plagues , or fluxes, the fatall productions of unholsome dyer.

It concernes us to pray unto Almighty God that he would be pleased to restore us to our wits , for if he would make us wise , wee should soone make our selves happy ; by bringing the pernicious authors of these our miseries to a legall tryall ; wee should then clearely see, that the preferment of a few men ought not so to sway with us , that wee should sacrifice our Liberty and Property , and suffer the Lawes to be violated , the Protestant Religion to be dishonoured , only in order to satisfie some particular mens ambition. That indignation of the people in *Virgil* (ingaged in a miserable warre , to gaine that with bloud and ruine, the want whereof was no diminution to their happinesse) would too well fit the *English nation* ,

*Scilicet ut Turno contingat Regia conjux ,
Nos anima viles, inhumata, inflatæque turba
Sternamur campis !*

Must wee dye like dogs, that they may live like princes ! How are the *oppressed commons* concerned in those mens illegall gainings, that they should be contented to loose their estates , and lives , and soules , in persecution of none of their owne interests ? They fall unlamented , unregarded, while the contrivers

of these mischiefs, sit safe, exposing others to the dangers, grow rich, while the impoverished Kingdome is ready to sink under the burthen of its debts, and are even wanton in our oppressions.

Since therefore the onely ground of this unnaturall warre is, that His Majesty will not permit us to be lesse happy then our Ancestors, choosing rather to suffer so many injuries, and to expose His Royall Person to the dangers of open hostility, then to wrong His Subjects and purchase safety or plenty, by making such Lawes, as private interests would force upon Him and the Kingdome,

Since He denyes nothing but the abolition of our good old customes which long experience hath confirmed to be extremely beneficiall to this Nation,

Since they reject *peace*, upon pretext, it comes not accompanied with *truth*, and meane by *truth* not the Protestant Religion as it is settled in this Kingdome and established by Act of Parliament, but some *moveable Creed*, the Atticles whereof it shall be their *priviledge* to abrogate, and to make it speake new doctrines, according as they will suit best with their civill interests,

Since they fight, not for certaine and knowne Lawes, nor for a certaine and knowne Religion, that is, not to restore, but to take away, and which is more intollerable, that they may adde as yet they know not what,

It is evident, the resistance now made is most offensive of the Subjects part, and doth unavoidably incur the Apostles sentence,
damnation.

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